

HOUSE OF REPRESENTATIVES—Saturday, July 28, 1973

The House was not in session today. Its next meeting will be held on Monday, July 30, 1973, at 12 o'clock noon.

CONFERENCE REPORT ON S. 502

Pursuant to an order of the House on Thursday, July 26, 1973, the conference report on the bill (S. 502) to authorize appropriations for the construction of certain highways in accordance with title 23 of the United States Code, and for other purposes, is herewith printed, as follows:

[Submitted by Mr. WRIGHT]

CONFERENCE REPORT (H. REPT. No. 93-410)

The committee of conference on the disagreeing votes of the two Houses on the amendment of the House to the bill (S. 502) to authorize appropriations for the construction of certain highways in accordance with title 23 of the United States Code, and for other purposes, having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its disagreement to the amendment of the House and agree to the same with an amendment as follows:

In lieu of the matter proposed to be inserted by the House amendment insert the following:

TITLE I

SHORT TITLE

SEC. 101. This title may be cited as the "Federal-Aid Highway Act of 1973".

REVISION OF AUTHORIZATION FOR APPROPRIATIONS FOR THE INTERSTATE SYSTEM

SEC. 102. Subsection (b) of section 108 of the Federal-Aid Highway Act of 1956, as amended, is amended by striking out "the additional sum of \$4,000,000,000 for the fiscal year ending June 30, 1974, the additional sum of \$4,000,000,000 for the fiscal year ending June 30, 1975, and the additional sum of \$4,000,000,000 for the fiscal year ending June 30, 1976", and by inserting in lieu thereof the following: "the additional sum of \$2,600,000,000 for the fiscal year ending June 30, 1974, the additional sum of \$3,000,000,000 for the fiscal year ending June 30, 1975, the additional sum of \$3,000,000,000 for the fiscal year ending June 30, 1976, the additional sum of \$3,250,000,000 for the fiscal year ending June 30, 1977, the additional sum of \$3,250,000,000 for the fiscal year ending June 30, 1978, and the additional sum of \$3,250,000,000 for the fiscal year ending June 30, 1979."

AUTHORIZATION OF USE OF COST ESTIMATES FOR APPORTIONMENT OF INTERSTATE FUNDS

SEC. 103. The Secretary of Transportation shall apportion for the fiscal years ending June 30, 1974, June 30, 1975, and June 30, 1976, the sums authorized to be appropriated for such years for expenditures on the National System of Interstate and Defense Highways, using the apportionment factors contained in table 5, of House Public Works Committee Print Numbered 92-29, as revised in House Report Numbered 92-1443.

HIGHWAY AUTHORIZATIONS

SEC. 104. (a) For the purpose of carrying out the provisions of title 23, United States Code, the following sums are hereby authorized to be appropriated:

(1) For the Federal-aid primary system in rural areas, out of the Highway Trust Fund, \$680,000,000 for the fiscal year ending June 30, 1974, \$700,000,000 for the fiscal year ending June 30, 1975, and \$700,000,000 for the fiscal year ending June 30, 1976. For the Federal-aid secondary system in rural areas, out of Highway Trust Fund, \$390,000,000 for the

fiscal year ending June 30, 1974, \$400,000,000 for the fiscal year ending June 30, 1975, and \$400,000,000 for the fiscal year ending June 30, 1976.

(2) For the Federal-aid urban system, out of the Highway Trust Fund, \$780,000,000 for the fiscal year ending June 30, 1974, \$800,000,000 for the fiscal year ending June 30, 1975, and \$800,000,000 for the fiscal year ending June 30, 1976. For the extensions of the Federal-aid primary and secondary systems in urban areas, out of the Highway Trust Fund \$290,000,000 for the fiscal year ending June 30, 1974, \$300,000,000 for the fiscal year ending June 30, 1975, and \$300,000,000 for the fiscal year ending June 30, 1976.

(3) For forest highways, out of the Highway Trust Fund \$33,000,000 for the fiscal year ending June 30, 1974, \$33,000,000 for the fiscal year ending June 30, 1975, and \$33,000,000 for the fiscal year ending June 30, 1976.

(4) For public lands highways, out of the Highway Trust Fund, \$16,000,000 for the fiscal year ending June 30, 1974, \$16,000,000 for the fiscal year ending June 30, 1975, and \$16,000,000 for the fiscal year ending June 30, 1976.

(5) For forest development roads and trails \$140,000,000 for the fiscal year ending June 30, 1974, \$140,000,000 for the fiscal year ending June 30, 1975, and \$140,000,000 for the fiscal year ending June 30, 1976.

(6) For public lands development roads and trails, \$10,000,000 for the fiscal year ending June 30, 1974, \$10,000,000 for the fiscal year ending June 30, 1975, and \$10,000,000 for the fiscal year ending June 30, 1976.

(7) For park roads and trails, \$30,000,000 for the fiscal year ending June 30, 1974, \$30,000,000 for the fiscal year ending June 30, 1975, and \$30,000,000 for the fiscal year ending June 30, 1976.

(8) For parkways, \$60,000,000 for the fiscal year ending June 30, 1974, \$75,000,000 for the fiscal year ending June 30, 1975, and \$75,000,000 for the fiscal year ending June 30, 1976, except that the entire cost of any parkway project on any Federal-aid system paid under the authorization contained in this paragraph shall be paid from the Highway Trust Fund.

(9) For Indian reservation roads and bridges, \$75,000,000 for the fiscal year ending June 30, 1974, \$75,000,000 for the fiscal year ending June 30, 1975, and \$75,000,000 for the fiscal year ending June 30, 1976.

(10) For economic growth center development highways under section 143 of title 23, United States Code, out of the Highway Trust Fund, \$50,000,000 for the fiscal year ending June 30, 1974, \$75,000,000 for the fiscal year ending June 30, 1975, and \$100,000,000 for the fiscal year ending June 30, 1976.

(11) For necessary administrative expenses in carrying out section 131, section 136, and section 319(b) of title 23, United States Code, \$1,500,000 for the fiscal year ending June 30, 1974, \$1,500,000 for the fiscal year ending June 30, 1975, and \$1,500,000 for the fiscal year ending June 30, 1976.

(12) For carrying out section 215(a) of title 23, United States Code—

(A) for the Virgin Islands, not to exceed \$5,000,000 for the fiscal year ending June 30, 1974, not to exceed \$5,000,000 for the fiscal year ending June 30, 1975, and not to exceed \$5,000,000 for the fiscal year ending June 30, 1976.

(B) for Guam not to exceed \$2,000,000 for the fiscal year ending June 30, 1974, not to exceed \$2,000,000 for the fiscal year ending June 30, 1975, and not to exceed \$2,000,000 for the fiscal year ending June 30, 1976.

(C) for American Samoa not to exceed \$1,000,000 for the fiscal year ending June 30,

1974, not to exceed \$1,000,000 for the fiscal year ending June 30, 1975, and not to exceed \$1,000,000 for the fiscal year ending June 30, 1976.

Sums authorized by this paragraph shall be available for obligation at the beginning of the fiscal year for which authorized in the same manner and to the same extent as if such sums were apportioned under chapter 1 of title 23, United States Code.

(13) Nothing in the first ten paragraphs or in paragraph (12) of this section shall be construed to authorize the appropriation of any sums to carry out sections 131, 136, 319 (b), or chapter 4 of title 23, United States Code.

(b) For each of the fiscal years 1974, 1975, and 1976, no State shall receive less than one-half of 1 per centum of the total apportionment for the Interstate System under paragraph (5) of subsection (b) of section 104 of title 23, United States Code. Whenever such amounts made available for the Interstate System in any State exceed the cost of completing that State's portion of the Interstate System, the excess amount shall be transferred to and added to the amounts apportioned to such State under paragraphs (1), (2), (3), and (6) of subsection (b) of section 104 of title 23, United States Code, in the ratio which these respective amounts bear to each other in that State. For the purpose of carrying out this subsection, there are authorized to be appropriated out of the Highway Trust Fund not to exceed \$50,000,000 for the fiscal year ending June 30, 1974, \$50,000,000 for the fiscal year ending June 30, 1975, and \$50,000,000 for the fiscal year ending June 30, 1976. It is the sense of the Congress that this subsection is an interim provision to be reconsidered at the expiration of this authorization.

DEFINITIONS

SEC. 105. Subsection (a) of section 101 of title 23 of the United States Code is amended as follows:

(1) The definition of the term "construction" is amended to read as follows:

"The term 'construction' means the supervising, inspecting, actual building, and all expenses incidental to the construction or reconstruction of a highway, including locating, surveying, and mapping (including the establishment of temporary and permanent geodetic markers in accordance with specifications of the National Oceanic and Atmospheric Administration in the Department of Commerce), acquisition of rights-of-way, relocation assistance, elimination of hazards of railway grade crossings, acquisition of replacement housing, sites, acquisition and rehabilitation, relocation, and construction of replacement housing, and improvements which directly facilitate and control traffic flow, such as grade separation of intersections, widening of lanes, channelization of traffic, traffic control systems, and passenger loading and unloading areas."

(2) The definition of the term "urban area" is amended to read as follows:

"The term 'urban area' means an urbanized area or, in the case of an urbanized area encompassing more than one State, that part of the urbanized area in each such State, or an urban place as designated by the Bureau of the Census having a population of five thousand or more and not within any urbanized area, within boundaries to be fixed by responsible State and local officials in cooperation with each other, subject to approval by the Secretary. Such boundaries shall, as a minimum, encompass the entire urban place designated by the Bureau of the Census."

(3) The definition of the term "Indian reservation roads and bridges" is amended to read as follows:

"The term 'Indian reservation roads and bridges' means roads and bridges that are located within or provide access to an Indian reservation or Indian trust land or restricted Indian land which is not subject to fee title alienation without the approval of the Federal Government, or Indian and Alaskan Native villages, groups, or communities in which Indians and Alaskan Natives reside, whom the Secretary of the Interior has determined are eligible for services generally available to Indians under Federal laws specifically applicable to Indians."

(4) The definition of "urbanized area" is amended to read as follows:

"The term 'urbanized area' means an area so designated by the Bureau of the Census, within boundaries to be fixed by responsible State and local officials in cooperation with each other, subject to approval by the Secretary. Such boundaries shall, as a minimum, encompass the entire urbanized area within a State as designated by the Bureau of the Census."

EXTENSION OF TIME FOR COMPLETION OF SYSTEM

SEC. 106. (a) The second paragraph of section 101(b) of title 23, United States Code, is amended by striking out "twenty years" and inserting in lieu thereof "twenty-three years" and by striking out "June 30, 1976", and inserting in lieu thereof "June 30, 1979".

(b) (1) The introductory phrase and the second and third sentences of section 104 (b) (5) of title 23, United States Code, are amended by striking out "1976" each place it appears and inserting in lieu thereof at each such place "1979".

(2) The last four sentences of such section 104(b) (5) are amended to read as follows: "Upon the approval by Congress, the Secretary shall use the Federal share of such approved estimate in making apportionments for the fiscal years ending June 30, 1974, June 30, 1975, and June 30, 1976. The Secretary shall make a revised estimate of the cost of completing the then designated Interstate System after taking into account all previous apportionments made under this section in the same manner as stated above, and transmit the same to the Senate and the House of Representatives within ten days subsequent to January 2, 1975. Upon the approval by Congress, the Secretary shall use the Federal share of such approved estimate in making apportionments for the fiscal years ending June 30, 1977, and June 30, 1978. The Secretary shall make a revised estimate of the cost of completing the then designated Interstate System after taking into account all previous apportionments made under this section in the same manner as stated above, and transmit the same to the Senate and the House of Representatives within ten days subsequent to January 2, 1977. Upon the approval by Congress, the Secretary shall use the Federal share of such approved estimates in making apportionments for the fiscal year ending June 30, 1979. Whenever the Secretary, pursuant to this subsection, requests and receives estimates of cost from the State highway departments, he shall furnish copies of such estimates at the same time to the Senate and the House of Representatives."

DECLARATION OF POLICY

SEC. 107. Subsection (b) of section 101 of title 23, United States Code, is amended by adding at the end thereof the following new paragraph:

"It is further declared that since the Interstate System is now in the final phase of completion it shall be the national policy that increased emphasis be placed on the construction and reconstruction of the other Federal-aid systems in accordance with the first paragraph of this subsection, in order

to bring all of the Federal-aid systems up to standard and to increase the safety of these systems to the maximum extent."

MINIMIZATION OF REDTAPE

SEC. 108. Section 101 of title 23 of the United States Code is amended by adding at the end thereof the following new subsection:

"(e) It is the national policy that to the maximum extent possible the procedures to be utilized by the Secretary and all other affected heads of Federal departments, agencies, and instrumentalities for carrying out this title and any other provision of law relating to the Federal highway programs shall encourage the substantial minimization of paperwork and interagency decision procedures and the best use of available manpower and funds so as to prevent needless duplication and unnecessary delays at all levels of government."

FEDERAL-AID URBAN SYSTEM

SEC. 109. (a) Subsection (d) of section 103 of title 23, United States Code, is amended by striking the first, second, third, fourth, and fifth sentences and inserting in lieu thereof the following: "The Federal-aid urban system shall be established in each urbanized area, and in such other urban areas as the State highway department may designate. The system shall be so located as to serve the major centers of activity, and shall include high traffic volume arterial and collector routes, including access roads to airports and other transportation terminals. No route on the Federal-aid urban system shall also be a route on any other Federal-aid system. Each route of the system to the extent feasible shall connect with another route on a Federal-aid system. Routes on the Federal-aid urban system shall be selected by the appropriate local officials so as to serve the goals and objectives of the community, with the concurrence of the State highway departments, and, in urbanized areas, also in accordance with the planning process under section 134 of this title. Designation of the Federal-aid urban system shall be subject to the approval of the Secretary as provided in subsection (f) of this section."

(b) Subsection (d) of section 105 of title 23, United States Code, is amended to read as follows:

"(d) In approving programs for projects on the Federal-aid urban system, the Secretary shall require that such projects be selected by the appropriate local officials with the concurrence of the State highway department of each State and, in urbanized areas, also in accordance with the planning process required pursuant to section 134 of this title."

REMOVAL OF DESIGNATED SEGMENTS OF THE INTERSTATE SYSTEM

SEC. 110. (a) Section 103(g) of title 23, United States Code, is amended to read as follows:

"(g) The Secretary, on July 1, 1974, shall remove from designation as a part of the Interstate System each segment of such system for which a State has not notified the Secretary that such State intends to construct such segment, and which the Secretary finds is not essential to completion of a unified and connected Interstate System. Any segment of the Interstate System, with respect to which a State has not submitted by July 1, 1975, a schedule for the expenditure of funds for completion of construction of such segment or alternative segment within the period of availability of funds authorized to be appropriated for completion of the Interstate System, and with respect to which the State has not provided the Secretary with assurances satisfactory to him that such schedule will be met, shall be removed from designation as a part of the Interstate System. No segment of the Inter-

state System removed under the authority of the preceding sentence shall thereafter be designated as a part of the Interstate System except as the Secretary finds necessary in the interest of national defense or for other reasons of national interest. This subsection shall not be applicable to any segment of the Interstate System referred to in section 23(a) of the Federal-Aid Highway Act of 1968."

(b) Section 103 of title 23, United States Code, is amended by adding at the end thereof the following new subsection:

"(h) Notwithstanding subsections (e) (2) and (g) of this section, in any case where a segment of the Interstate System was a designated part of such system on June 1, 1973, and is entirely within the boundaries of an incorporated city and such city enters into an agreement with the Secretary to pay all non-Federal costs of construction of such segment, such segment shall be constructed."

(c) The amendments made by subsections (a) and (b) of this section shall take effect June 30, 1973.

APPORTIONMENT

SEC. 111. (a) Section 104 of title 23, United States Code, is amended as follows:

(1) Paragraphs (1) and (2) of subsection (b) are amended by striking the words "star routes" each time they appear and inserting in lieu thereof "intercity mail routes where service is performed by motor vehicle".

(2) Paragraph (1) of subsection (b) is amended by striking out, "one-third in the ratio which the population of each State bears to the total population of all the States" and inserting in lieu thereof the following: "one-third in the ratio which the population of rural areas of each State bears to the total population of rural areas of all the States". The last sentence of such paragraph is amended by inserting "(other than the District of Columbia)" immediately after "No State".

(3) Paragraph (2) of subsection (b) is amended by striking out "one-third in the ratio which the rural population of each State bears to the total rural population of all the States" and inserting in lieu thereof the following: "one-third in the ratio which the population of rural areas of each State bears to the total population of rural areas of all the States". The last sentence of such paragraph is amended by inserting "(other than the District of Columbia)" immediately after "No State".

(4) Paragraph (6) of subsection (b) is amended by striking the word "urbanized" wherever it appears and inserting in lieu thereof "urban", and by adding at the end thereof the following: "No State shall receive less than one-half of 1 per centum of each year's apportionment."

(5) Subsection (c) is amended by striking out "20 per centum" in each of the two places it appears and inserting in lieu thereof in each such place the following: "40 per centum" and by striking out "paragraph (1), (2), or (3)" and inserting in lieu thereof "paragraph (1) or (2)".

(6) Subsection (d) is amended to read as follows:

"(d) Not more than 40 per centum of the amount apportioned in any fiscal year to each State in accordance with paragraph (3) or (6) of subsection (b) of this section may be transferred from the apportionment under one paragraph to the apportionment under the other paragraph if such transfer is requested by the State highway department and is approved by the Governor of such State and the Secretary as being in the public interest. Funds apportioned in accordance with paragraph (6) of subsection (b) of this section shall not be transferred from their allocation to any urbanized area of 200,000 population or more under section 150 of this title, without the approval of the local officials of such urbanized area. The total of such transfers shall not increase

the original apportionment under either of such paragraphs by more than 40 per centum."

(7) The last sentence of subsection (c) is hereby repealed.

(b) Notwithstanding the amendments made by subsection (a) of this section, no State (other than the District of Columbia) shall receive an apportionment for the primary system which is less than the apportionment which such State received for such system for the fiscal year ending June 30, 1973. In order to carry out this subsection, there is authorized to be appropriated out of the Highway Trust Fund for the Federal-aid primary system, an additional \$17,000,000 for the fiscal year ending June 30, 1974, and \$15,000,000 per fiscal year for the fiscal years ending June 30, 1975, and June 30, 1976.

APPORTIONMENT OF PLANNING FUNDS

SEC. 112. Subsection (f) of section 104 of title 23, United States Code, is amended to read as follows:

"(f) (1) On or before January 1 next preceding the commencement of each fiscal year, the Secretary, after making the deduction authorized by subsection (a) of this section, shall set aside not to exceed one-half per centum of the remaining funds authorized to be appropriated for expenditure upon the Federal-aid systems, for the purpose of carrying out the requirements of section 134 of this title.

"(2) These funds shall be apportioned to the States in the ratio which the population in urbanized areas or parts thereof, in each State bears to the total population in such urbanized areas in all the States as shown by the latest available census, except that no State shall receive less than one-half per centum of the amount apportioned.

"(3) The funds apportioned to any State under paragraph (2) of this subsection shall be made available by the State to the metropolitan planning organizations designated by the State as being responsible for carrying out the provisions of section 134 of this title. These funds shall be matched in accordance with section 120 of this title unless the Secretary determines that the interests of the Federal-aid highway program would be best served without such matching.

"(4) The distribution within any State of the planning funds made available to agencies under paragraph (3) of this subsection shall be in accordance with a formula developed by each State and approved by the Secretary which shall consider but not necessarily be limited to, population, status of planning, and metropolitan area transportation needs."

ADVANCE ACQUISITIONS OF RIGHTS-OF-WAY

SEC. 113. (a) The last sentence of subsection (a) of section 108 of title 23, United States Code, is amended by striking out "seven years" and inserting in lieu thereof "ten years".

(b) The first sentence of paragraph (3) of subsection (c) of section 108 of title 23, United States Code, is amended by striking out "seven years" and inserting in lieu thereof "ten years".

NOISE LEVEL STANDARDS

SEC. 114. Subsection (i) of section 109 of title 23, United States Code, is amended by adding at the end thereof the following: "The Secretary, after consultation with the Administrator of the Environmental Protection Agency and appropriate Federal, State, and local officials, may promulgate standards for the control of highway noise levels for highways on any Federal-aid system for which project approval has been secured prior to July 1, 1972. The Secretary may approve any project on a Federal-aid system to which noise-level standards are made applicable under the preceding sentence for the purpose of carrying out such standards. Such project may include, but is not limited to, the acquisition of additional rights-of-way, the construction of physical

barriers, and landscaping. Sums apportioned for the Federal-aid system on which such project will be located shall be available to finance the Federal share of such project. Such project shall be deemed a highway project for all purposes of this title."

SIGNS ON PROJECT SITE

SEC. 115. The last sentence of subsection (a) of section 114 of title 23, United States Code, is amended to read as follows: "After July 1, 1973, the State highway department shall not erect on any project where actual construction is in progress and visible to highway users any informational signs other than official traffic control devices conforming with standards developed by the Secretary of Transportation."

CERTIFICATION ACCEPTANCE

SEC. 116. (a) Section 117 of title 23 of the United States Code is amended to read as follows:

"§ 117. Certification acceptance

"(a) The Secretary may discharge any of his responsibilities under this title relative to projects on Federal-aid systems, except the Interstate System, upon the request of any State, by accepting a certification by the State highway department, or that department, commission, board, or official of any State charged by its laws with the responsibility for highway construction, of its performance of such responsibilities, if he finds such projects will be carried out in accordance with State laws, regulations, directives, and standards establishing requirements at least equivalent to those contained in, or issued pursuant to, this title.

"(b) The Secretary shall make a final inspection of each such project upon its completion and shall require an adequate report of the estimated, and actual, cost of construction as well as such other information as he determines necessary.

"(c) The procedure authorized by this section shall be an alternative to that otherwise prescribed in this title. The Secretary shall promulgate such guidelines and regulations as may be necessary to carry out this section.

"(d) Acceptance by the Secretary of a State's certification under this section may be rescinded by the Secretary at any time if, in his opinion, it is necessary to do.

"(e) Nothing in this section shall affect or discharge any responsibility or obligation of the Secretary under any Federal law, including the National Environmental Policy Act of 1969 (42 U.S.C. 4321, et seq.), section 4(f) of the Department of Transportation Act (49 U.S.C. 1653(f)), title VI of the Civil Rights Act of 1964 (42 U.S.C. 2000(d), et seq.), title VIII of the Act of April 11, 1968 (Public Law 90-284, 42 U.S.C. 3601 et seq.), and the Uniform Relocation Assistance and Land Acquisition Policies Act of 1970 (42 U.S.C. 4601, et seq.), other than this title."

(b) The analysis of chapter 1, of title 23, United States Code, is amended by striking out

"117. Secondary road responsibilities."

and inserting in lieu thereof the following:

"117. Certification acceptance."

MATERIALS AT OFF-SITE LOCATIONS

SEC. 117. Section 121(a) of title 23 of the United States Code is amended by inserting after the period at the end thereof the following: "Such payments may also be made in the case of any such materials not in the vicinity of such construction if the Secretary determines that because of required fabrication at an off-site location the materials cannot be stockpiled in such vicinity."

TOLL ROADS, BRIDGES, TUNNELS, AND FERRIES

SEC. 118. (a) After the second sentence of section 129(b) of title 23, United States Code, insert the following: "When any such toll road which the Secretary has approved as a part of the Interstate System is made a

toll-free facility, Federal-aid highway funds apportioned under section 104(b) (5) of this title may be expended for the construction, reconstruction, or improvement of that road to meet the standards adopted for the improvement of projects located on the Interstate System."

(b) The first sentence of subsection (e) of section 129, title 23, United States Code, is amended by striking out "on the date of enactment of this subsection". The third sentence of subsection (e) of section 129 title 23, United States Code, is amended by striking out "1968" and inserting in lieu thereof "1973".

URBAN AREA TRAFFIC OPERATIONS IMPROVEMENT PROGRAMS

SEC. 119. Subsection (c) of section 135 of title 23, United States Code, is hereby repealed and existing subsection (d) is re-lettered as subsection (c), including any references thereto.

TRAINING PROGRAMS

SEC. 120. Subsection (b) of section 140 of title 23, United States Code, is amended by striking out in the second sentence "and 1973," and inserting in lieu thereof "1973, 1974, 1975, and 1976", and by striking out "\$5,000,000 per fiscal year" and inserting in lieu thereof "\$5,000,000 per fiscal year for the fiscal years 1972 and 1973, and \$10,000,000 per fiscal year for the fiscal years 1974, 1975, and 1976."

PUBLIC TRANSPORTATION

SEC. 121. (a) Section 142 of title 23, United States Code, is amended to read as follows:

"§ 142. Public Transportation

"(a) (1) To encourage the development, improvement, and use of public mass transportation systems operating motor vehicles (other than on rail) on Federal-aid highways for the transportation of passengers (hereafter in this section referred to as 'buses'), so as to increase the traffic capacity of the Federal-aid systems for the movement of persons, the Secretary may approve as a project on any Federal-aid system the construction of exclusive or preferential bus lanes, highway traffic control devices, bus passenger loading areas and facilities (including shelters), and fringe and transportation corridor parking facilities to serve bus and other public mass transportation passengers, and sums apportioned under section 104(b) of this title shall be available to finance the cost of projects under this paragraph.

"(2) In addition to the projects under paragraph (1), the Secretary may, beginning with the fiscal year ending June 30, 1975, approve as a project on the Federal-aid urban system, for payment from sums apportioned under section 104(b) (6) of this title, the purchase of buses, and, beginning with the fiscal year ending June 30, 1976, approve as a project on the Federal-aid urban system, for payment from sums apportioned under section 104(b) (6) of this title, the construction, reconstruction, and improvement of fixed rail facilities, including the purchase of rolling stock for fixed rail, except that not more than \$200,000,000 of all sums apportioned for the fiscal year ending June 30, 1975, under section 104(b) (6) shall be available for the payment of the Federal share of projects for the purchase of buses.

"(b) Sums apportioned in accordance with paragraph (5) of subsection (b) of section 104 of this title shall be available to finance the Federal share of projects for exclusive or preferential bus, truck, and emergency vehicle routes or lanes. Routes constructed under this subsection shall not be subject to the third sentence of section 109(b) of this title.

"(c) Whenever responsible local officials of an urbanized area notify the State highway department that, in lieu of a highway project the Federal share of which is to be paid from funds apportioned under section 104(b) (6)

of this title for the fiscal years ending June 30, 1974, and June 30, 1975, their needs require a nonhighway public mass transit project involving the construction of fixed rail facilities, or the purchase of passenger equipment, including rolling stock for any mode of mass transit, or both, and the State highway department determines that such public mass transit project is in accordance with the planning process under section 134 of this title and is entitled to priority under such planning process, such public mass transit project shall be submitted for approval to the Secretary. Approval of the plans, specifications, and estimates for such project by the Secretary shall be deemed a contractual obligation of the United States for payment out of the general funds of its proportional share of the cost of such project in an amount equal to the Federal share which would have been paid if such project were a highway project under section 120(a) of this title. Funds previously apportioned to such State under section 104(b)(6) of this title shall be reduced by an amount equal to such Federal share.

"(d) The establishment of routes and schedules of such public mass transportation systems in urbanized areas shall be based upon a continuing comprehensive transportation planning process carried on in accordance with section 134 of this title.

"(e)(1) For all purposes of this title, a project authorized by subsection (a)(1) of this section shall be deemed to be a highway project.

"(2) Notwithstanding section 209(f)(1) of the Highway Revenue Act of 1956, the Highway Trust Fund shall be available for making expenditures to meet obligations resulting from projects authorized by subsection (a)(2) of this section and such projects shall be subject to, and governed in accordance with, all provisions of this title applicable to projects on the Federal-aid urban system, except to the extent determined inconsistent by the Secretary.

"(3) The Federal share payable on account of projects authorized by subsection (a) of this section shall be that provided in section 120 of this section.

"(f) No project authorized by this section shall be approved unless the Secretary of Transportation has received assurances satisfactory to him from the State that public mass transportation systems will fully utilize the proposed project.

"(g) In any case where sufficient land exists within the publicly acquired rights-of-way of any Federal-aid highway to accommodate needed rail or nonhighway public mass transit facilities and where this can be accomplished without impairing automotive safety of future highway improvements, the Administrator may authorize a State to make such lands and rights-of-way available without charge to a publicly owned mass transit authority for such purposes wherever he may deem that the public interest will be served thereby.

"(h) The provision of assistance under subsection (a)(2) or subsection (c) of this section shall not be construed as bringing within the application of chapter 15 of title 5, United States Code, any nonsupervisory employee of an urban mass transportation system (or of any other agency or entity performing related functions) to whom such chapter is otherwise inapplicable.

"(i) Funds available for expenditure to carry out the purposes of subsection (a)(2) and subsection (c) of this section shall be supplementary to and not in substitution for funds authorized and available for obligation pursuant to the Urban Mass Transportation Act of 1964, as amended.

"(j) The provisions of section 3(e)(4) of the Urban Mass Transportation Act of 1964, as amended, shall apply in carrying out subsection (a)(2) and subsection (c) of this section.

"(k) The Secretary shall not approve any project under subsection (a)(2) of this section in any fiscal year when there has been enacted an Urban Transportation Trust Fund or similar assured funding for both highway and public transportation."

(b) The analysis of chapter 1 of title 23, United States Code, is amended by striking out

"142. Urban highway public transportation," and inserting in lieu thereof the following: "142. Public transportation."

ECONOMIC GROWTH CENTER DEVELOPMENT HIGHWAYS

SEC. 122. (a) Section 143 of title 23, United States Code, is amended by striking out "demonstration projects" each place it appears and inserting in lieu thereof "projects", and by striking out "demonstration project" each place it appears and inserting in lieu thereof in each such place "project", by striking out "the Federal-aid primary system" in each place it appears and inserting in lieu thereof in each such place "a Federal-aid system (other than the Interstate System)", and in subsection (d) by striking out "Federal-aid primary highways" and inserting in lieu thereof "highways on the Federal-aid system on which such development highway is located".

(b) Section 143(e) of title 23, United States Code, is amended to read as follows:

"(e) Except as otherwise provided in subsection (c) of this section, the Federal share of the cost of any project for construction, reconstruction, or improvement of a development highway under this section shall be the same as that provided under this title for any other project on the Federal-aid system on which such development highway is located."

(c) Section 143(a) of title 23, United States Code, is amended by striking out "to demonstrate the role that highways can play".

FEDERAL-STATE RELATIONSHIP

SEC. 123. (a) Chapter 1 of title 23, United States Code, is amended by adding at the end thereof the following new section:

"§ 145. Federal-State relationship

"The authorization of the appropriation of Federal funds or their availability for expenditure under this chapter shall in no way infringe on the sovereign rights of the States to determine which projects shall be federally financed. The provisions of this chapter provide for a federally assisted State program."

(b) The analysis of chapter 1 of title 23, United States Code, is amended by adding at the end thereof the following:

"145. Federal-State relationship."

BICYCLE TRANSPORTATION AND PEDESTRIAN WALKWAYS

SEC. 124. (a) Chapter 2 of title 23, United States Code, is amended by adding at the end thereof the following new section:

"§217. Bicycle transportation and pedestrian walkways

"(a) To encourage the multiple use of highway rights-of-way, including the development, improvement, and use of bicycle transportation and the development and improvement of pedestrian walkways on or in conjunction with highway rights-of-way, the States may, on Federal-aid highway projects, include to the extent practicable, suitable, and feasible, the construction of separate or preferential bicycle lanes or paths, bicycle traffic control devices, shelters and parking facilities to serve bicycles and persons using bicycles, and pedestrian walkways in conjunction or connection with Federal-aid highways. Sums apportioned in accordance with paragraphs (1), (2), (3), and (6) of section 104(b) of this title shall be available for bicycle projects and pedestrian walkways authorized under this section and such projects shall be located and designated pursuant to

an overall plan which will provide due consideration for safety and contiguous routes.

"(b) For all purposes of this title, a bicycle or pedestrian walkway project authorized by subsection (a) of this section shall be deemed to be a highway project, and the Federal share payable on account of such bicycle project or pedestrian walkway shall be that provided in section 120 of this title.

"(c) Funds authorized for forest highways, forest development roads and trails, public lands development roads and trails, park roads and trails, parkways, Indian reservation roads, and public lands highways shall be available, at the discretion of the department charged with the administration of such funds, for the construction of bicycle and pedestrian routes in conjunction with such trails, roads, highways, and parkways.

"(d) No motorized vehicles shall be permitted on trails and walkways authorized under this section except for maintenance purposes and, when snow conditions and State or local regulations permit, snowmobiles.

"(e) Not more than \$40,000,000 of funds authorized to be appropriated in any fiscal year may be obligated for projects authorized by subsections (a) and (c) of this section, and no State shall obligate more than \$2,000,000 for such projects in any fiscal year."

(b) The analysis of chapter 2, title 23, United States Code, is amended by inserting at the end thereof the following:

"217. Bicycle transportation and pedestrian walkways."

SPECIAL URBAN HIGH DENSITY TRAFFIC PROGRAM

SEC. 125. (a) Chapter 1 of title 23 of the United States Code is amended by adding at the end thereof the following new section:

"§ 146. Special urban high density traffic program

"(a) There is hereby authorized to be appropriated out of the Highway Trust Fund \$50,000,000 for the fiscal year ending June 30, 1974, \$50,000,000 for the fiscal year ending June 30, 1975, and \$50,000,000 for the fiscal year ending June 30, 1976, for the construction of highways connected to the Interstate System in portions of urbanized areas with high traffic density. The Secretary shall develop guidelines and standards for the designation of routes and the allocation of funds for this purpose which include the following criteria:

"(1) Routes designated by the Secretary shall not be longer than ten miles.

"(2) Routes designated shall serve areas of concentrated population and heavy traffic congestion.

"(3) Routes designated shall serve the urgent needs of commercial, industrial, airport, or national defense installations.

"(4) Any routes shall connect with existing routes on the Interstate System.

"(5) Routes designated under this section shall have been approved through the planning process required under section 134 of this title and determined to be essential by responsible local officials.

"(6) A route shall be designated under this section only where the Secretary determines that no feasible or practicable alternative mode of transportation which could meet the needs of the area to be served is now available or could become available in the foreseeable future.

"(7) The designation of routes under this section shall comply with section 138 of this title, and no route shall be designated which substantially damages or infringes upon any residential area.

"(8) Routes shall be designated by the Secretary on the recommendation of the State and responsible local officials.

"(9) No more than one route in any one State shall be designated by the Secretary.

"(10) Any route designated by the Secretary under this section must be on a Federal-aid system.

"(b) The Federal share payable on account

of any project authorized pursuant to this section shall not exceed 90 per centum of the cost of construction of such project."

(b) The table of contents of chapter 1 of title 23 of the United States Code is amended by adding at the end thereof the following: "146. Special urban high density traffic program."

PRIORITY PRIMARY ROUTES

SEC. 126. (a) Chapter 1 of title 23 of the United States Code is amended by adding at the end thereof the following new section:

"§ 147. Priority primary routes

"(a) High traffic sections of highways on the Federal-aid primary system which connect to the Interstate System shall be selected by each State highway department, in consultation with appropriate local officials, subject to approval by the Secretary, for priority of improvement to supplement the service provided by the Interstate System by furnishing needed adequate traffic collector and distributor facilities. For the purpose of this section such highways shall hereafter in this section be referred to as 'priority primary routes'.

"(b) The Federal share of any project on a priority primary route shall be that provided in section 120(a) of this title. All provisions of this title applicable to the Federal-aid primary system shall be applicable to priority primary routes selected under this section except that one-half of such funds shall be apportioned among the States in accordance with section 104(b)(1) of this title, and one-half shall be apportioned among the States in accordance with section 104(b)(3) of this title. Funds authorized to carry out this section shall be deemed to be apportioned on January 1 next preceding the commencement of the fiscal year for which authorized.

"(c) The initial selection of the priority primary routes and the estimated cost of completing such routes shall be reported to Congress on or before July 1, 1974.

"(d) There is authorized to be appropriated out of the Highway Trust Fund to carry out this section not to exceed \$100,000,000 for the fiscal year ending June 30, 1974, \$200,000,000 for the fiscal year ending June 30, 1975, and \$300,000,000 for the fiscal year ending June 30, 1976."

(b) The table of contents of chapter 1 of title 23 of the United States Code is amended by adding at the end thereof the following: "147. Priority primary routes."

ALASKA HIGHWAY

SEC. 127. (a) (1) Chapter 2 of title 23 of the United States Code is amended by inserting at the end thereof a new section as follows:

"§ 218. Alaska Highway

"(a) Recognizing the benefits that will accrue to the State of Alaska and to the United States from the reconstruction of the Alaska Highway from the Alaskan border to Haines Junction in Canada and the Haines Cutoff Highway from Haines Junction in Canada to the south Alaskan border, the Secretary is authorized out of the funds appropriated for the purpose of this section to provide for necessary reconstruction of such highway. Such appropriations shall remain available until expended. No expenditures shall be made for the construction of such highways until an agreement has been reached by the Government of Canada and the Government of the United States which shall provide, in part, that the Canadian Government—

"(1) will provide, without participation of funds authorized under this title all necessary right-of-way for the reconstruction of such highways, which right-of-way shall forever be held inviolate as a part of such highways for public use;

"(2) will not impose any highway toll, or permit any such toll to be charged for the use of such highways by vehicles or persons;

"(3) will not levy or assess, directly or indirectly, any fee, tax, or other charge for the use of such highways by vehicles or persons from the United States that does not apply equally to vehicles or persons of Canada;

"(4) will continue to grant reciprocal recognition of vehicle registration and drivers' licenses in accordance with agreements between the United States and Canada; and

"(5) will maintain such highways after their completion in proper condition adequately to serve the needs of present and future traffic.

"(b) The survey and construction work undertaken pursuant to this section shall be under the general supervision of the Secretary."

(2) The analysis of chapter 2 of title 23 of the United States Code is amended by adding at the end thereof the following:

(b) For the purpose of completing necessary reconstruction of the Alaska Highway from the Alaskan border to Haines Junction in Canada and the Haines Cutoff Highway from Haines Junction in Canada to the south Alaskan border there is authorized to be appropriated the sum of \$58,670,000 to be expended in accordance with the provisions of section 218 of title 23 of the United States Code.

BRIDGES ON FEDERAL DAMS

SEC. 128. (a) Section 320(d) of title 23, United States Code, is amended by striking out "\$16,761,000" and inserting in lieu thereof "\$25,261,000".

(b) All sums appropriated under authority of the increased authorization of \$8,500,000 established by the amendment made by subsection (a) of this section shall be available for expenditure only in connection with the construction of a bridge across lock and dam numbered 13 on the Arkansas River near Fort Smith, Arkansas, in the amount of \$2,100,000 and in connection with reconstruction of a bridge across the Chickamauga Dam on the Tennessee River near Chattanooga, Tennessee, in the amount of \$6,400,000. No such sums shall be appropriated until all applicable requirements of section 320 of title 23 of the United States Code have been complied with by the appropriate Federal agency, the Secretary of Transportation, and the State of Arkansas for the Fort Smith project, and the State of Tennessee for the Chattanooga project.

GREAT RIVER ROAD

SEC. 129. (a) Section 14 of the Federal-Aid Highway Act of 1954, as amended (68 Stat. 70; Public Law 83-350), is amended by striking out "\$500,000" and inserting in lieu thereof "\$600,000".

(b) Chapter 1 of title 23 of the United States Code is amended by inserting at the end thereof a new section as follows:

"§ 148. Development of a national scenic and recreational highway

"(a) As soon as possible after the date of enactment of this section, the Secretary shall establish criteria for the location and construction or reconstruction of the Great River Road by the ten States bordering the Mississippi River. Such criteria shall include requirements that—

"(1) priority be given in the location of the Great River Road near or easily accessible to the larger population centers of the State and further priority be given to the construction and improvement of the Great River Road in the proximity of the confluence of the Mississippi River and the Wisconsin River;

"(2) the Great River Road be connected with other Federal-aid highways and preferably with the Interstate System;

"(3) the Great River Road be marked with uniform identifying signs;

"(4) effective control, as defined in section 131 of this title, of signs, displays, and devices will be provided along the Great River Road;

"(5) the provisions of section 129(a) of

this title shall not apply to any bridge or tunnel on the Great River Road and no fees shall be charged for the use of any facility constructed with assistance under this section.

"(b) For the purpose of this section, the term 'construction' includes the acquisition of areas of historical, archeological, or scientific interest, necessary easements for scenic purposes, and the construction or reconstruction of roadside rest areas (including appropriate recreational facilities), scenic viewing areas, and other appropriate facilities as determined by the Secretary.

"(c) Highways constructed or reconstructed pursuant to this section (except subsection (f)) shall be part of the Federal-aid system.

"(d) Funds appropriated for each fiscal year pursuant to subsection (g) shall be apportioned among the ten States bordering the Mississippi River on the basis of their relative needs as determined by the Secretary for payments to carry out this section.

"(e) The Federal share of the cost of any project for any construction or reconstruction pursuant to the preceding subsections of this section shall be that provided in section 120 of this title for the Federal aid system on which such project is located, and if such project is not on such a system, such share shall be 70 per centum of such cost.

"(f) The Secretary is authorized to consult with the heads of other Federal departments and agencies having jurisdiction over Federal lands open to the public in order to enter into appropriate arrangements for necessary construction or reconstruction of highways on such lands to carry out this section. Highways constructed or reconstructed by a State pursuant to this section which are not on a Federal-aid system, and highways constructed or reconstructed under this subsection, shall be subject to the criteria applicable to highways constructed or reconstructed pursuant to subsection (c) of this section. Funds authorized pursuant to subsection (g) shall be used to pay the entire cost of construction or reconstruction pursuant to the first sentence of this subsection.

"(g) There is authorized to be appropriated to carry out this section, out of the Highway Trust Fund, for construction or reconstruction of roads on a Federal-aid highway system, not to exceed \$10,000,000 for the fiscal year ending June 30, 1974, \$25,000,000 for the fiscal year ending June 30, 1975, and \$25,000,000 for the fiscal year ending June 30, 1976, for allocations to the States pursuant to this section, and there is authorized to be appropriated to carry out this section out of any money in the Treasury not otherwise appropriated, not to exceed \$10,000,000 for each of the fiscal years ending June 30, 1974, June 30, 1975, and June 30, 1976, for construction and reconstruction of roads not on a Federal-aid highway system."

(c) The table of contents of chapter 1 of title 23 of the United States Code is amended by inserting at the end thereof the following:

"148. Development of a national scenic and recreational highway."

ALASKAN ASSISTANCE

SEC. 130. Subsection (b) of section 7 of the Federal-Aid Highway Act of 1966 is amended by striking out at the end of the last sentence "June 30, 1972 and June 30, 1973," and substituting "June 30, 1972, June 30, 1973, June 30, 1974, June 30, 1975, and June 30, 1976."

ROUTE 101 IN NEW HAMPSHIRE

SEC. 131. (a) The amount of all Federal-aid highway funds paid on account of those sections of Route 101 in the State of New Hampshire referred to in subsection (c) of this section shall, prior to the collection of any tolls thereon, be repaid to the Treasurer of the United States on or before October 1, 1977. The amount so repaid shall be deposited to the credit of the appropriation

for "Federal-Aid Highways (Trust Fund)". At the time of such repayment, the Federal-aid projects with respect to which such funds have been repaid and any other Federal-aid project located on said sections of such toll road and programed for expenditure on any such project, shall be credited to the unprogramed balance of Federal-aid highways funds of the same class last apportioned to the State of New Hampshire. The amount so credited shall be in addition to all other funds then apportioned to said State and shall be available for expenditure in accordance with the provisions of title 23, United States Code, as amended or supplemented.

(b) Upon the repayment of Federal-aid highway funds and the cancellation and withdrawal from the Federal-aid highway program of the projects on said sections of Route 101 as provided in subsection (a) of this section, such sections of said route shall become and be free of any and all restrictions contained in title 23, United States Code, as amended or supplemented, or in any regulation thereunder, with respect to the imposition and collection of tolls or other charges thereon or for the use thereof.

(c) The provisions of this section shall apply to the following sections:

(1) That section of Route 101 from Route 126 in Epping to Brentwood Corners, a distance of approximately two and thirty one-hundredths centerline miles.

(2) That section of Route 101 in the vicinity of Sells Corner in Auburn, beginning approximately two and forty one-hundredths centerline miles east of the junction of Interstate Route 93 and running easterly approximately two miles.

FREELING INTERSTATE TOLL BRIDGES

SEC. 132. Section 129, title 23, United States Code, as amended by section 139 of this Act, is amended by adding at the end thereof the following new subsection:

"(h) Notwithstanding the provisions of section 301 of this title, in the case of each State which, before January 1, 1975, shall have constructed or acquired any interstate toll bridge (including approaches thereto), which before January 1, 1975, caused such toll bridge to be made free, which bridge is owned and maintained by such State or by a political subdivision thereof, and which bridge is on the Federal-aid primary system (other than the Interstate System), sums apportioned to such State in accordance with paragraphs (1) and (3) of subsection (b) of section 104 of this title shall be available to pay the Federal share of a project under this subsection of (1) such amount as the Secretary determines to be the reasonable value of such bridge after deducting therefrom that portion of such value attributable to any grant or contribution previously paid by the United States in connection with the construction or acquisition of such bridge, and exclusive of rights-of-way, or (2) the amount by which the principal amount of the outstanding unpaid bonds or other obligations created and issued for the construction or acquisition of such bridge exceeds the amount of any funds accumulated or provided for their amortization, on the date such bridge is made free, whichever is the lesser amount."

STUDY OF TOLL BRIDGE AUTHORITY

SEC. 133. (a) The Secretary of Transportation is authorized and directed to undertake a full and complete investigation and study of existing Federal statutes and regulations governing toll bridges over the navigable waters of the United States for the purpose of determining what action can and should be taken to assure just and reasonable tolls nationwide. The Secretary shall submit a report of the findings of such study and investigation to the Congress not later than July 1, 1974, together with his recommendations for modifications or additions to existing laws, regulations, and policies, except that in the case of the toll bridge at Chester,

Illinois, the Secretary shall submit a report to the Congress not later than December 31, 1973.

(b) The Secretary of Transportation shall promulgate regulations establishing guidelines governing any increase in tolls for use of any bridge constructed pursuant to either the General Bridge Act of 1906 or the General Bridge Act of 1946.

NATIONAL SCENIC HIGHWAY SYSTEM STUDY

SEC. 134. (a) The Secretary of Transportation shall make a full and complete investigation and study to determine the feasibility of establishing a national system of scenic highways to link together and make more accessible to the American people recreational, historical, scientific, and other similar areas of scenic interest and importance. In the conduct of such investigation and study, the Secretary shall cooperate and consult with other agencies of the Federal Government, the Commission on Highway Beautification, the States and their political subdivisions, and other interested private organizations, groups, and individuals. The Secretary shall report his findings and recommendations to the Congress not later than July 1, 1974, including an estimate of the cost of implementing such a program. There is authorized to be appropriated \$250,000 from the Highway Trust Fund to carry out this subsection.

(b) The Secretary of Transportation shall make a full and complete investigation and study to examine problems of user access to parks, recreation areas (including public recreation areas on Federal lakes), historic sites and wildlife refuges. Such study and investigation shall include, but not be limited to, an analysis of the desirability and feasibility of a national scenic road and parkways system referred to in subsection (a) including benefits to the user if any and the total long range environmental impact of such system on the Nation's recreation resources; alternatives to private automobile access to parks and recreation resources, including mass transit; and special problems of safe access to urban and metropolitan parks and recreation resources. In the conduct of such investigations and study, the Secretary shall cooperate and consult with other agencies of the Federal Government, the States and their political subdivisions, and interested private organizations, groups and individuals. The Secretary shall report his findings and recommendations to the Congress not later than January 1, 1975, including an estimate of the cost of implementing any suggested programs.

DISTRICT OF COLUMBIA

SEC. 135. None of the provisions of the Act entitled "An Act to provide a permanent system of highways in that part of the District of Columbia lying outside of cities", approved March 2, 1893 (27 Stat. 532), as amended, shall apply to any segment of the Interstate System within the District of Columbia.

CORRIDOR HEARINGS

SEC. 136. (a) The Secretary of Transportation shall permit no further action on Interstate Route I-287 between Montville and Mahwah, New Jersey, until new corridor hearings are held.

(b) The Secretary of Transportation shall permit no further action on the Corporation Freeway, Winston-Salem, North Carolina, until new corridor hearings are held.

(c) The new corridor hearings required by this section shall be held and the reports thereon shall be made no later than one year after the date of enactment of this section.

INTERSTATE SYSTEM

SEC. 137. (a) Paragraph (2) of subsection (e) of section 103 of title 23, United States Code, is amended as follows:

(1) The first sentence is amended by striking out "additional mileage for the Interstate System of two hundred miles, to be used

in making modifications" and inserting in lieu thereof "additional mileage for the Interstate System of five hundred miles, to be used in making modifications".

(2) The fourth sentence is amended by striking out "the 1968 Interstate System cost estimate set forth in House Document Numbered 199, Ninetieth Congress, as revised," and inserting in lieu thereof the following: "the 1972 Interstate System cost estimate set forth in House Public Works Committee Print Numbered 92-29, as revised in House Report Numbered 92-1443."

(3) The fifth sentence is amended by striking out "due regard" and inserting in lieu thereof the following: "preference, along with due regard for interstate highway type needs on a nationwide basis."

(b) Subsection (e) of section 103 of title 23, United States Code, is amended by adding the following:

"(4) Upon the joint request of a State Governor and the local governments concerned, the Secretary may withdraw his approval of any route or portion thereof on the Interstate System within any urbanized area in that State selected and approved in accordance with this title prior to the enactment of this paragraph, if he determines that such route or portion thereof is not essential to completion of a unified and connected Interstate System or will no longer be essential by reason of the application of this paragraph and will not be construed as a part of the Interstate System, and if he receives assurances that the State does not intend to construct a toll road in the traffic corridor which would be served by such route or portion thereof. The mileage of the route or portion thereof approval of which is withdrawn under this paragraph shall be available for designation on the Interstate System in any other State in accordance with paragraph (1) of this subsection. After the Secretary has withdrawn his approval of any such route or portion thereof, whenever responsible local officials of such urbanized area notify the State highway department that, in lieu of a route or portion thereof approval for which is withdrawn under this paragraph, their needs require a nonhighway public mass transit project involving the construction of fixed rail facilities, or the purchase of passenger equipment, including rolling stock for any mode of mass transit, or both, and the State highway department determines that such public mass transit project is in accordance with the planning process under section 134 of this title and is entitled to priority under such planning process, such public mass transit project shall be submitted for approval to the Secretary. Approval of the plans, specifications, and estimates for such project by the Secretary shall be deemed a contractual obligation of the United States for payment out of the general funds in the Treasury of its proportional share of the cost of such project in an amount equal to the Federal share which would be paid for such a project under the Urban Mass Transportation Act of 1964, except that the total Federal cost of all such projects under this paragraph with respect to such route or portion thereof approval of which is withdrawn under this paragraph, shall not exceed the Federal share of the cost which should have been paid for such route or portion thereof, as such cost is included in the 1972 Interstate System cost estimate set forth in table 5 of House Public Works Committee Print Numbered 92-29, as revised in House Report Numbered 92-1443. Funds apportioned to such State for the Interstate System, which apportionment is based upon an Interstate System cost estimate that includes a route or portion thereof approval of which is withdrawn under this paragraph, shall be reduced by an amount equal to the Federal share of such project as such share becomes a contractual obligation of the United States. No general funds shall be obli-

gated under authority of this paragraph after June 30, 1981. No nonhighway public mass transit project shall be approved under this paragraph unless the Secretary has received assurances satisfactory to him from the State that public mass transportation systems will fully utilize the proposed project. The provision of assistance under this paragraph shall not be construed as bringing within the application of chapter 15 of title 5, United States Code, any nonsupervisory employee of an urban mass transportation system (or of any other agency or entity performing related functions) to whom such chapter is otherwise inapplicable. Funds available for expenditure to carry out the purposes of this paragraph shall be supplementary to and not in substitution for funds authorized and available for obligation pursuant to the Urban Mass Transportation Act of 1964, as amended. The provisions of section 3(e) (4) of the Urban Mass Transportation Act of 1964, as amended, shall apply in carrying out this paragraph."

PUBLIC MASS TRANSPORTATION STUDIES

SEC. 138. (a) The Secretary shall, in cooperation with the Governor of each State and appropriate local officials, make an evaluation of that portion of the 1972 National Transportation Report, pertaining to public mass transportation. Such evaluation shall include all urban areas. The evaluation shall include but not be limited to the following:

- (1) Refining the public mass transportation needs contained in such report.
- (2) Developing a program to accomplish the needs of each urban area for public mass transportation.
- (3) Analyzing the existing funding capabilities of Federal, State, and local governments for meeting such needs.
- (4) Analyzing other funding capabilities of Federal, State, and local governments for meeting such needs.
- (5) Determining the operating and maintenance costs relating to the public mass transportation system.
- (6) Determining and comparing fare structures of all public mass transportation systems.

The Secretary shall, not later than July 1, 1974, report to Congress the results of this evaluation together with his recommendations for necessary legislation.

(b) The Secretary shall conduct a study of revenue mechanisms, including a tax on fuels used in the provision of urban mass transportation service, and an additional gasoline tax imposed in urban areas, which could be used now or in the future to finance transportation activities receiving financial assistance from the Highway Trust Fund. Such study will include an analysis of the magnitude of the various potential sources of user tax revenues, the rates at which such taxes could be levied (including possible differential rates), the mechanisms for collection of such taxes, the incidence of such taxes, and the potential impact on transit usage caused by such taxes. The Secretary shall report to the Congress the findings of his study by no later than the 180th day after the date of enactment of this section.

(c) There is hereby authorized not to exceed \$10,000,000 to carry out this section.

FERRY OPERATIONS

SEC. 139. (a) The last subsection of section 129 of title 23, United States Code, is hereby redesignated as subsection (g).

(b) Paragraph (5) of subsection (g) of section 129 of title 23, United States Code, as redesignated in subsection (a) of this section, is amended to read as follows:

"(5) Such ferry may be operated only within the State (including the islands which comprise the State of Hawaii) or between adjoining States. Except with respect to operations between the islands which comprise the State of Hawaii and operations between

the States of Alaska and Washington, or between any two points within the State of Alaska, no part of such a ferry operation shall be in any foreign or international waters."

METRO ACCESSIBILITY TO THE HANDICAPPED

SEC. 140. The Secretary of Transportation is authorized to make payments to the Washington Metropolitan Area Transit Authority in amounts sufficient to finance 80 per centum of the cost of providing such facilities for the subway and rapid transit system authorized in the National Capital Transportation Act of 1969 (83 Stat. 320) as may be necessary to make such subway and system accessible by the handicapped through implementation of Public Laws 90-480 and 91-205. There is authorized to be appropriated, to carry out this section, not to exceed \$65,000,000.

ENVIRONMENTAL IMPACT STATEMENTS

SEC. 141. (a) The Secretary of Transportation shall, not later than forty-five days after the date of enactment of this section, complete all necessary action on (1) the environmental impact statement pursuant to section 102(2) (C) of the National Environmental Policy Act of 1969, and (2) the application for approval under the General Bridge Act of 1946, with respect to the proposal for construction by the Department of Transportation of the State of New Jersey of a bridge over the Raritan River in such State for the purpose of such State's Highway Route 18.

(b) The Secretary of Transportation shall—

- (1) by October 1, 1973—

(A) complete the draft environmental impact statement pursuant to section 102(2) (C) of the National Environmental Policy Act, and his determination under section 4 (f) of the Department of Transportation Act and section 138 of title 23 of the United States Code, on the project for Interstate Route Numbered 66 in the State of Virginia from the National Capital Beltway to the Potomac River, which project is described in the 1972 estimate of the cost of completing the National System of Interstate and Defense Highways as estimate section termini E 10.4.2 at the Beltway to E 10.11.1 in Rosslyn.

(B) circulate such statement to all interested Federal, State, and local agencies and to the public for comment within forty-five days, and

(C) insure that notice of a public hearing on the design and location of such project is issued;

(2) insure that a public hearing is held within forty-five days after issuance of the notice pursuant to paragraph (1) (C) of this subsection; and

(3) not later than December 31, 1973, complete consideration of the information received at the hearing, review any comments on the statement received within the forty-five-day notice period referred to in paragraph (1) (B) of this subsection and any other information received by the end of such forty-five-day period and file the final version of such statement on the basis of such comments and information, together with any other final determination which he is required by law to make in order to permit the construction of such project to proceed. The determination of the Secretary shall be conclusive with respect to all issues of fact.

TRUCK LANES

SEC. 142. (a) Chapter 1 of title 23, United States Code, is amended by adding to the end thereof the following new section:

"§ 149. Truck lanes

"The Secretary may approve as a project on any Federal-aid system the construction of exclusive or preferential truck lanes."

(b) The analysis of chapter 1 of title 23, United States Code, is amended by adding at the end thereof the following:

"149. Truck lanes."

HIGHWAY STUDIES

SEC. 143. The Secretary of Transportation shall report to Congress by January 1, 1975, on the feasibility and necessity for constructing to appropriate standards proposed highways along the following routes:

(1) A route from Brunswick, Georgia, or its vicinity, to Kansas City, Missouri, or its vicinity, so aligned to serve the following intermediate locations, or vicinities thereof: Columbus, Georgia; Birmingham, Alabama; Tupelo, Mississippi; Memphis, Tennessee; Batesville or Jonesboro, Arkansas; and Springfield, Missouri.

(2) A route from Kansas City, Missouri, or its vicinity, to Chicago, Illinois, or its vicinity, so aligned as to cross the Mississippi River at a point between Nauvoo, Illinois, on the north, and Hannibal, Missouri, on the south.

(3) A route from Amarillo, Texas, or its vicinity to Las Cruces, New Mexico, or its vicinity, so aligned as to serve the following intermediate locations, or vicinities thereof: Hereford, Texas; Clovis, New Mexico; Portales, New Mexico; Roswell, New Mexico; Ruidoso, New Mexico; Tularosa, New Mexico; and Alamogordo, New Mexico; together with a branch route from Alamogordo, New Mexico, or its vicinity, to El Paso, Texas, or its vicinity, to connect with Interstate Route No. 10 and the port of entry with Mexico.

(4) A route from the Port of Catoosa, Catoosa, Oklahoma, or its vicinity, to Interstate Route No. 35 to Ponca City, Oklahoma, or its vicinity.

(5) Extension of Interstate Highway 70 from Cove Fort, Utah, or its vicinity, in a westerly direction, so aligned to serve the intermediate locations of Ely and Carson City, Nevada, or their vicinities.

(6) A route from Kansas City, Missouri, or its vicinity, to Baton Rouge, Louisiana, or its vicinity, so aligned to serve one or both of the following intermediate locations or vicinities thereof: Fayetteville, Fort Smith, and Texarkana, Arkansas; or Little Rock, Arkansas, or any other route through the State of Arkansas determined feasible by such State and the Secretary.

(7) A route from Interstate Highway 380 from Waterloo, Iowa, via Dubuque, Iowa, to Interstate Highway 90 at Rockford, Illinois; and an extension of Interstate Highway 74 from the Davenport, Iowa-Moline, Illinois, area through Dubuque, Iowa, to Interstate 90 at LaCrosse, Wisconsin.

(8) Extension of Interstate Highway 27 from Lubbock, Texas, or its vicinity in a southerly direction to intersect with Interstate 20 and, proceeding further, to intersect with Interstate 10.

(9) A route from Salina, Kansas, or its vicinity, in a northerly direction to intersect with Interstate 80 in the vicinity of York, Nebraska, and, proceeding further, to Interstate 29 in the vicinity of Watertown, South Dakota.

(10) A route from Wichita, Kansas, or its vicinity to Tucumcari, New Mexico, or its vicinity, so aligned to serve the following intermediate locations or vicinities thereof: Pratt, Kansas; Meade, Kansas; Liberal, Kansas; Guymon, Oklahoma; Stafford, Texas; Dalhart, Texas; and Logan, New Mexico; or any other route through the State of Kansas determined feasible by such State and the Secretary.

INTER-AMERICAN HIGHWAY

SEC. 144. Section 4 of the Federal-Aid Highway Act of 1962 (Public Law 87-886; 76 Stat. 1145) is amended by striking out "\$32,000,000" and inserting in lieu thereof "\$42,000,000".

DONATIONS

SEC. 145. (a) Chapter 3 of title 23 of the United States Code is amended by adding at the end thereof the following:

"§ 323. Donations

"Nothing in this title, or in any other provision of law, shall be construed to prevent

a person whose real property is being acquired in connection with a project under this title, after he has been tendered the full amount of the estimated just compensation as established by an approved appraisal of the fair market value of the subject real property, from making a gift or donation of such property, or any part thereof, or of any of the compensation paid therefor, to a Federal agency, a State or a State agency, or a political subdivision of a State, as said person shall determine."

(b) The analysis of chapter 3 of title 23, United States Code, is amended by adding at the end thereof the following:

"323. Donations."

HIGH-SPEED TRANSPORTATION DEMONSTRATION

SEC. 146. The Secretary is authorized to undertake a study and demonstration program for high-speed bus service from collection points in the Washington, District of Columbia area to Dulles International Airport, Virginia. Such study and demonstration shall utilize exclusive bus transportation lanes between points of origin and termination of such service, and include, where necessary, the construction of such exclusive bus transportation lanes as well as terminal and parking facilities. Such study and demonstration shall also include the purchase of high-speed buses. As necessary to implement this section the Secretary shall undertake research into the development of buses designed to maintain high-speed, safe transportation. Not to exceed \$10,000,000 of the amount authorized to be apportioned under section 104(b)(6) of title 23, United States Code, for the fiscal year ending June 30, 1975, shall be available to the Secretary to carry out this section and such sum shall be set aside for such purpose prior to the apportionment of such amount for such fiscal year.

RURAL HIGHWAY PUBLIC TRANSPORTATION DEMONSTRATION PROGRAM

SEC. 147. To encourage the development, improvement, and use of public mass transportation systems operating vehicles on highways for transportation of passengers within rural areas, in order to enhance access of rural populations to employment, health care, retail centers, education, and public services, there are authorized to be appropriated \$30,000,000 for the two-fiscal-year period ending June 30, 1976, of which \$20,000,000 shall be out of the Highway Trust Fund, to the Secretary of Transportation to carry out demonstration projects for public mass transportation on highways in rural areas. Projects eligible for Federal funds under this section shall include highway traffic control devices, the construction of passenger loading areas and facilities, including shelters, fringe and transportation corridor parking facilities to serve bus and other public mass transportation passengers, and the purchase of passenger equipment other than rolling stock for fixed rail.

FEDERAL-AID SYSTEMS REALIGNMENT

SEC. 148. (a) Section 103(b) of title 23, United States Code, is renumbered as section 103(b)(1) and a new section 103(b)(2) is added to read as follows:

"(2) After June 30, 1976, the Federal-aid primary system shall consist of an adequate system of connected main roads important to interstate, statewide, and regional travel, consisting of rural arterial routes and their extensions into or through urban areas. The Federal-aid primary system shall be designated by each State acting through its State highway department and where appropriate, shall be in accordance with the planning process pursuant to section 134 of this title, subject to the approval of the Secretary as provided by subsection (f) of this section."

(b) Section 103(c) of title 23, United States Code, is renumbered as section 103(c)(1) and a new subsection 103(c)(2) is added to read as follows:

"(2) After June 30, 1976, the Federal-aid secondary system shall consist of rural major collector routes. The Federal-aid secondary system shall be designated by each State through its State highway department and appropriate local officials in cooperation with each other, subject to the approval of the Secretary as provided in subsection (f) of this section."

(c) Section 103(d) of title 23, United States Code, is renumbered as section 103(d)(1) and a new subsection 103(d)(2) is added to read as follows:

"(2) After June 30, 1976, the Federal-aid urban system shall be located in each urbanized area and such other urban areas as the State highway departments may designate and shall consist of arterial routes and collector routes, exclusive of urban extensions of the Federal-aid primary system. The routes on the Federal-aid urban system shall be designated by appropriate local officials, with the concurrence of the State highway departments, subject to the approval of the Secretary as provided in subsection (f) of this section, and in the case of urbanized areas shall also be in accordance with the planning process required pursuant to the provisions of section 134 of this title."

(d) Federal-aid systems realignment shall be based upon anticipated functional usage in the year 1980 or a planned connected system.

(e) In addition to the foregoing amendments, the second sentence of section 103(c)(1) of title 23, United States Code, is amended to insert, after the words "local rural roads," the phrase, "access roads to airports."

TOLL ROAD REIMBURSEMENT PROGRAM

SEC. 149. (a) Whenever the State of Louisiana has received its final apportionment of sums authorized to be appropriated for expenditure on the Interstate System, or on or after July 1, 1977, whichever first occurs, the Secretary shall, notwithstanding the provisions of subsection (b) of section 129 of title 23 of the United States Code, reimburse the Federal share of the actual cost of construction of new toll highways or improvements to existing toll highways in that State, construction of which highways or improvement is begun after July 1, 1973, but not including the cost of toll collection and service facilities, on the same basis and in the same manner as in the construction of free highways under chapter 1 of title 23 of the United States Code upon compliance with the conditions contained in this section.

(b) The Secretary shall reimburse the Federal share of the costs of construction as applicable to a project under section 120(a) of title 23 of the United States Code from funds apportioned to such State pursuant to paragraph (1) of subsection (b) of section 104 of title 23 of the United States Code whenever the State enters into an agreement with the Secretary whereby it undertakes performance of the following obligations:

(1) to provide for the construction of such highway in accordance with standards approved by the Secretary;

(2) all tolls received from the operation of such highway, less the actual cost of such operation and maintenance, shall be applied by the State to the repayment of the actual costs of construction, except for an amount equal to the Federal share payable of such actual costs of a project; and

(3) no tolls shall be charged for the use of such highway after the Federal share has been paid and the highway shall be maintained and operated as a free highway. Upon the enactment of this section the Secretary shall, at the request of the State of Louisiana, enter into an agreement with that State if such agreement meets the requirements of this subsection. Reimbursements shall not be made until after the State receives its final apportionment of sums authorized to be appropriated for expenditure

on the Interstate System or July 1, 1977, whichever first occurs.

(c) Such highway shall be designated as a part of the Federal-aid primary system, other than the Interstate System, before the payment of any Federal funds under this section, notwithstanding the mileage limitations in subsection (b) of section 103 of title 23 of the United States Code.

(d) The Federal share payable of such actual cost of the project shall be made in not more than fifteen equal annual installments, from the funds apportioned to the State pursuant to paragraph (1) of subsection (b) of section 104 of title 23 of the United States Code, with the first installment being made either (1) one year after the project agreement has been entered into between the Secretary and the State highway department or (2) either one year after the State receives its final apportionment of sums authorized to be appropriated for expenditure, on the Interstate System, or July 1, 1977, whichever first occurs, whichever of such clause (1) or (2) is last to occur. Such payment shall be applied against the outstanding obligations of the project.

PARKWAYS

SEC. 150. (a) Subsection (a) of section 207 of title 23, United States Code, is amended to read as follows:

"(a) Funds available for parkways shall be used to pay for the cost of construction and improvement thereof, including the acquisition of rights-of-way and related scenic easements."

(b) Section 207 of title 23, United States Code, is amended by adding at the end thereof the following new subsection:

"(d) Any parkway project on a Federal-aid system shall be subject to all of the requirements of this title and of any other law applicable to highways on such system."

RESEARCH AND PLANNING

SEC. 151. Subsection (c)(1) of section 307 of title 23, United States Code, is amended to read as follows:

"(c)(1) Not to exceed 1½ per centum of the sums apportioned for each fiscal year beginning with fiscal year 1974 to any State under section 104 of this title shall be available for expenditure upon request of the State highway department, with the approval of the Secretary, with or without State funds, for engineering and economic surveys and investigations: for the planning of future highway programs and local public transportation systems and for planning for the financing thereof; for studies of the economy, safety, and convenience of highway usage and the desirable regulation and equitable taxation thereof; and for research and development, necessary in connection with the planning, design, construction, and maintenance of highways and highway systems, and the regulation and taxation of their use."

TECHNICAL AMENDMENTS

SEC. 152. Title 23, United States Code, is amended as follows:

(1) Section 101(a) is amended by striking out "Secretary of Commerce" and inserting in lieu thereof "Secretary of Transportation".

(2) Section 109(g) is amended by striking out "Rct" and inserting in lieu thereof "Act".

(3) Sections 126(a) and 310 are amended by striking out "Commerce" each place it appears and inserting in lieu thereof "Transportation".

(4) The heading of section 303 is amended to read:

"Administration organization."

(5) Sections 308(b), 309, 312, and 314 are amended by striking out "Bureau of Public Roads" each place it appears and inserting in lieu thereof "Federal Highway Administration".

(6) Sections 312 and 314 are amended by

striking out "Commerce" each place it appears and inserting in lieu thereof "Transportation".

INCREASED FEDERAL SHARE—EFFECTIVE DATE

SEC. 153. Subsection (b) of section 108 of the Federal-Aid Highway Act of 1970 is amended to read as follows:

"(b) The amendments made by subsection (a) of this section shall take effect with respect to all obligations incurred after June 30, 1973."

TERMINATION OF FEDERAL-AID RELATIONSHIP

SEC. 154. (a) Notwithstanding any other provisions of Federal law or any court decision to the contrary, the contractual relationship between the Federal and State Governments shall be ended with respect to all portions of the San Antonio North Expressway between Interstate Highway 35 and Interstate Loop 410, and the expressway shall cease to be a Federal-aid project.

(b) The amount of all Federal-aid highway funds paid on account of sections of the San Antonio North Expressway in Bexar County, Texas (Federal-aid projects numbered U 244(7), U 244(10), UG 244(9), U 244(8), and U 244(11)), shall be repaid to the Treasurer of the United States and the amount so repaid shall be deposited to the credit of the appropriation for "Federal-Aid Highways (Trust Fund)". At the time of such repayment the Federal-aid projects with respect to which funds have been repaid and any other Federal-aid projects located on such expressway and programed for expenditure on such project, if any, shall be canceled and withdrawn from the Federal-aid highway program. Any amount so repaid, together with the unpaid balance of any amount programed for expenditure on any such project shall be credited to the unprogramed balance of Federal-aid highway funds of the same class last apportioned to the States, respectively. The amount so credited shall be available for expenditure in accordance with the provisions of title 23, United States Code, as amended.

HIGHWAY LITTER STUDY

SEC. 155. (a) The Secretary is directed to undertake a study of litter accumulation within the rights-of-way of the Federal-aid highway systems and recommend improved procedures to be used by the several States to prevent and clean up such highway litter on a regular basis. The Secretary shall report his findings and recommendations to the Congress by June 30, 1974.

(b) For the purposes of this section, the term "litter" means beverage and food containers, food wastes, paper products, smoking materials or packaging, and any other materials which the Secretary finds are commonly used and discarded by the traveling public and which, when discarded along highway rights-of-way, cause an unsightly appearance, a danger to public health or safety, or an unreasonable expenditure of public funds.

(c) Funds authorized to carry out section 307 of title 23, United States Code, are authorized to be used to carry out the investigation and study required by this section.

BRIDGE APPROACH STANDARDS

SEC. 156. Section 109 of title 23, United States Code, is amended by adding at the end thereof the following subsection:

"(k) The Secretary shall not approve any project involving approaches to a bridge under this title, if such project and bridge will significantly affect the traffic volume and the highway system of a contiguous State without first taking into full consideration the views of that State."

ALLOCATION OF URBAN SYSTEM FUNDS

SEC. 157. (a) Chapter 1 of title 23, United States Code, is amended by adding at the end thereof the following new section:

"§ 150. Allocation of urban system funds

"The funds apportioned to any State under paragraph (6) of subsection (b) of section 104 of this title that are attributable to urbanized areas of 200,000 population or more shall be made available for expenditure in such urbanized areas for projects in programs approved under subsection (d) of section 105 of this title in accordance with a fair and equitable formula developed by the State which formula has been approved by the Secretary. Such formula shall provide for fair and equitable treatment of incorporated municipalities of 200,000 or more population. Whenever such a formula has not been developed and approved for a State, the funds apportioned to any State under paragraph (6) of subsection (b) of section 104 of this title which are attributable to urbanized areas having a population of 200,000 or more shall be allocated among such urbanized areas within such State for projects in programs approved under subsection (d) of section 105 of this title in the ratio that the population within each such urbanized area bears to the population of all such urbanized areas, or parts thereof, within such State. In the expenditure of funds allocated under the preceding sentence, fair and equitable treatment shall be accorded incorporated municipalities of 200,000 or more population."

(b) The table of contents of chapter 1 of title 23, United States Code, is amended by adding at the end thereof the following: "150. Allocation of urban system funds."

FRANCONIA NOTCH, NEW HAMPSHIRE

SEC. 158. Notwithstanding section 109(b) of title 23 of the United States Code, the Secretary of Transportation is authorized, upon application of the Governor of the State, to approve construction of that section of Interstate Route 93 from B20.6 an interchange with State route 3A in North Woodstock, New Hampshire, to B22.1 an interchange with U.S. Route 3 in Franconia, New Hampshire, approximately twelve miles in length, as a parkway type highway to geometric and construction standards (whether or not in accordance with section 109(b)) which the Secretary determines are necessary for the safety of the traveling public, for the protection of the environment, and for the preservation of the park-like and historic character of the Franconia Notch area adjacent to the highway. The State of New Hampshire, with the concurrence of the Secretary, is authorized to permit the use of the above section of highway to specified types of vehicles during specified times of the day and of the year.

DWIGHT D. EISENHOWER HIGHWAY

SEC. 159. (a) The following segments of the National System of Interstate and Defense Highways which form a continuous interstate highway link from coast to coast are hereby designated as the "Dwight D. Eisenhower Highway":

(1) Interstate Route 70 between Washington, District of Columbia, and Denver, Colorado;

(2) Interstate Route 25 between Denver, Colorado, and Cheyenne, Wyoming; and

(3) Interstate Route 80 between Cheyenne, Wyoming, and San Francisco, California.

(b) Any law, regulation, map, document, record, or other paper of the United States in which such segments are designated or referred to shall be held to designate or refer to such segments as the "Dwight D. Eisenhower Highway."

CUMBERLAND GAP NATIONAL HISTORICAL PARK

SEC. 160. (a) Notwithstanding the definition of parkways in subsection (a) of section 101, funds available for parkways shall be available to finance the cost of reconstruction and relocation of Route 25E through the Cumberland Gap National Historical Park, including construction of a tunnel and the approaches thereto, so as to per-

mit restoration of the Gap and provide adequate traffic capacity.

(b) Upon construction, such highway and tunnel and all associated lands and rights-of-way shall be transferred to the National Park Service and managed as part of the Cumberland Gap National Historical Park.

HIGHLAND SCENIC HIGHWAY

SEC. 161. (a) The Secretary of Agriculture (acting through the Forest Service) is authorized to develop and construct as a parkway the Highland Scenic Highway from West Virginia State Route 39 to U.S. 250 near Barton Knob. Notwithstanding subsection (c) of section 103 of title 23, United States Code, such parkway shall be a route on the Federal-aid secondary system.

(b) The route from Richwood, West Virginia, to U.S. 250 near Barton Knob, via West Virginia State Route 39 and the parkway authorized by subsection (a) of this section shall be designated as the Highland Scenic Highway.

(c) The Secretary of Agriculture is authorized to acquire rights-of-way, land containing such rights-of-way, and interests in land, including scenic easements and mineral rights, necessary to carry out the purpose of a scenic highway. In addition to the acquisition of such lands and interests in lands, funds available for parkways shall be available for the reclamation of lands within the scenic corridor of the Highland Scenic Highway.

(d) Funds available for highways shall be available for signs on Interstate highways, Appalachian highways and other appropriate highways at natural points of access to such geographic area, indicating the direction and distance to the Highland Scenic Highway and to Richwood as "Gateway to the Highland Scenic Highway".

(e) Funds available for parkways shall be available for upgrading that portion of West Virginia State Route 39 designated as the Highland Scenic Highway to appropriate standards for a scenic and recreational highway, including the construction of vistas and other scenic improvements.

(f) The Highland Scenic Highway as authorized by subsection (a) of this section and all associated lands and rights-of-way shall be managed as part of the Monongahela National Forest, solely for scenic and recreational use and passenger car travel.

(g) The Highland Scenic Highway as authorized by subsection (a) of this section shall be designed and constructed in accordance with standards appropriate for a scenic highway, providing for moderate speeds and minimizing modification to topographic contours and natural drainage.

(h) Construction of the portion of the Highland Scenic Highway as authorized by subsection (a) of this section which is proposed to be constructed through the upper Shavers Fork watershed shall not be initiated until—

(1) the Forest Service has acquired sufficient lands and interests in land (including mineral rights) in such watershed to assure an adequate scenic corridor for the Highland Scenic Highway and the control of water quality in Shavers Fork; and

(2) the completion of a geological and soil survey of any proposed route, conducted in cooperation with the Division of Water Resources of the West Virginia Department of Natural Resources.

(i) Any parkway authorized in the future to proceed southward in such area shall begin in the immediate vicinity of Richwood, West Virginia.

(j) Any connection of the Highland Scenic Highway as authorized by subsection (a) of this section with Corridor H of the Appalachian Development Highway System or any more northerly segment of the Highland Scenic Highway shall utilize existing routes and not involve construction through the

Monongahela National Forest between U.S. 250 and Cunningham Knob.

PROHIBITION OF DISCRIMINATION ON THE BASIS OF SEX

SEC. 162. (a) Chapter 3 of title 23, United States Code is amended by adding at the end thereof the following new section:

"§ 324. Prohibition of discrimination on the basis of sex

"No person shall on the ground of sex be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving Federal assistance under this title or carried on under this title. This provision will be enforced through agency provisions and rules similar to those already established, with respect to racial and other discrimination, under title VI of the Civil Rights Act of 1964. However, this remedy is not exclusive and will not prejudice or cut off any other legal remedies available to a discriminatee."

(b) The analysis of chapter 3, title 23, United States Code, is amended by adding at the end thereof the following:

"324. Prohibition of discrimination on the basis of sex."

DEMONSTRATION PROJECT—RAILROAD-HIGHWAY CROSSINGS

SEC. 163. (a) The Secretary of Transportation shall enter into such arrangements as may be necessary to carry out demonstration projects in Lincoln, Nebraska, Wheeling, West Virginia, and Elko, Nevada, for the relocation of railroad lines from the central area of the cities in conformance with the methodology developed under proposals submitted to the Secretary by the respective cities. The cities shall (1) have a local agency with legal authority to relocate railroad facilities, levy taxes for such purpose, and a record of prior accomplishment; and (2) have a current relocation plan for such lines which has a favorable benefit-cost ratio involving and having the unanimous approval of three or more class I railroads in Lincoln, Nebraska, and the two class I railroads in Wheeling, West Virginia, and Elko, Nevada, and multi-civic, local, and State agencies, and which provides for the elimination of a substantial number of the existing railway-road conflict points within the city.

(b) The Secretary of Transportation shall carry out a demonstration project for the elimination or protection of certain public ground-level rail-highway crossings in, or in the vicinity of, Springfield, Illinois.

(c) The Secretary of Transportation shall enter into such arrangements as may be necessary to carry out demonstration projects in Brownsville, Texas, and Matamoros, Mexico, for the relocation of railroad lines from the central area of the cities in conformance with the methodology developed under proposals submitted to the Secretary by the Brownsville Navigation District, providing for the construction of an international bridge and for the elimination of a substantial number of existing railway-road conflict points within the cities.

(d) The Secretary of Transportation shall enter into such arrangements as may be necessary to carry out a demonstration project in East Saint Louis, Illinois, for the relocation of rail lines between Thirteenth and Forty-third Streets, in accordance with methodology approved by the Secretary. The Secretary of Transportation shall carry out a demonstration project for the relocation of rail lines in the vicinity of Carbondale, Illinois.

(e) The Secretary of Transportation shall enter into such arrangements as may be necessary to carry out a demonstration project in New Albany, Indiana, for the elimination of the existing rail loop and relocation of rail lines to a location between Vincennes Street and East Eighth Street, in accordance with methodology approved by the Secretary.

(f) The Secretary of Transportation shall carry out demonstration projects for the construction of an overpass at the rail-highway grade crossing on Cottage Grove Avenue between One Hundred Forty-second Street and One Hundred Thirty-eighth Street in the village of Dolton, Illinois, and the construction of an overpass at the rail-highway grade crossing at Vermont Street and the Rock Island Railroad tracks in the city of Blue Island, Illinois.

(g) The Secretary of Transportation shall carry out a demonstration project for the elimination of the ground level railroad highway crossing on United States Route 69 in Greenville, Texas.

(h) The Secretary of Transportation shall carry out a demonstration project in Anoka, Minnesota, for the construction of an underpass at the Seventh Avenue and County Road 7 railroad-highway grade crossing.

(i) The Federal share payable on account of such projects shall be that provided in section 120 of this title.

(j) The Secretary shall make annual reports and a final report to the President and the Congress with respect to his activities pursuant to this section.

(k) There is authorized to be appropriated to carry out this section (other than subsection (l)) not to exceed \$15,000,000 for the fiscal year ending June 30, 1974, \$25,000,000 for the fiscal year ending June 30, 1975, and \$50,000,000 for the fiscal year ending June 30, 1976, except that two-thirds of all funds authorized and expended under authority of this section in any fiscal year shall be appropriated out of the Highway Trust fund.

(l) The Secretary, in cooperation with State highway departments and local officials, shall conduct a full and complete investigation and study of the problem of providing increased highway safety by the relocation of railroad lines from the central area of cities on a nationwide basis, and report to the Congress his recommendations resulting from such investigation and study not later than July 1, 1975, including an estimate of the cost of such a program. Funds authorized to carry out section 307 of title 23, United States Code, are authorized to be used to carry out the investigation and study required by this subsection.

FINANCIAL ASSISTANCE AGREEMENTS

SEC. 164. (a) No Federal financial assistance shall be provided under (1) subsection (a) or (c) of section 142, title 23, United States Code, (2) paragraph (4) of subsection (e) of section 103, title 23, United States Code, or (3) the Urban Mass Transportation Act of 1964, for the purchase of buses to any applicant for such assistance unless such applicant and the Secretary of Transportation shall have first entered into an agreement that such applicant will not engage in charter bus operations in competition with private bus operators outside of the area within which such applicant provides regularly scheduled mass transportation service. A violation of such agreement shall bar such applicant from receiving any other Federal financial assistance under those provisions of law referred to in clauses (1), (2), and (3) of this subsection.

(b) No Federal financial assistance shall be provided under (1) subsection (a) or (c) of section 142, title 23, United States Code, (2) paragraph (4) of subsection (e) of section 103, title 23, United States Code, or (3) the Urban Mass Transportation Act of 1964, for the purchase of buses to any applicant for such assistance unless such applicant and the Secretary of Transportation shall have first entered into an agreement that such applicant will not engage in school bus operations, exclusively for the transportation of students and school personnel, in competition with private school bus operators. This subsection shall not apply to an applicant with respect to operation of a school bus program if the applicant operates a school system in the area to be served

and operates a separate and exclusive school bus program for this school system. This subsection shall not apply unless private school bus operators are able to provide adequate transportation, at reasonable rates, and in conformance with applicable safety standards, and this subsection shall not apply with respect to any State or local public body or agency thereof if it (or a direct predecessor in interest from which it acquired the function of so transporting school children and personnel along with facilities to be used therefor) was so engaged in school bus operations any time during the twelve-month period immediately prior to the date of the enactment of this subsection. A violation of an agreement under this subsection shall bar such applicant from receiving any other Federal financial assistance under those provisions of law referred to in clauses (1), (2), and (3) of this subsection.

BUS AND OTHER PROJECT STANDARDS

SEC. 165. (a) The Secretary of Transportation shall require that buses acquired with Federal financial assistance under (1) subsection (a) or (c) of section 142 of title 23, United States Code, (2) paragraph (4) of subsection (e) of section 103, title 23, United States Code, or (3) section 147 of the Federal-aid Highway Act of 1973 meet the standards prescribed by the Administrator of the Environmental Protection Agency under section 202 of the Clean Air Act, and under section 6 of the Noise Control Act of 1972, and shall authorize the acquisition, wherever practicable, of buses which meet the special criteria for low-emission vehicles set forth in section 212 of the Clean Air Act, and for low-noise-emission products set forth in section 15 of the Noise Control Act of 1972.

(b) The Secretary of Transportation shall assure that projects receiving Federal financial assistance under (1) subsection (a) or (c) of section 142 of title 23, United States Code, (2) paragraph (4) of subsection (e) of section 103, title 23, United States Code, or (3) section 147 of the Federal-aid Highway Act of 1973 shall be planned and designed so that mass transportation facilities and services can effectively be utilized by elderly and handicapped persons who, by reason of illness, injury, age, congenital malfunction, or other permanent or temporary incapacity or disability are unable without special facilities or special planning or design to utilize such facilities and services as effectively as persons not so affected.

TITLE II

SHORT TITLE

SEC. 201. This title may be cited as the "Highway Safety Act of 1973".

HIGHWAY SAFETY

SEC. 202. The following sums are hereby authorized to be appropriated:

(1) For carrying out section 402 of title 23, United States Code (relating to highway safety programs), by the National Highway Traffic Safety Administration, out of the Highway Trust Fund, \$100,000,000 for the fiscal year ending June 30, 1974, \$125,000,000 for the fiscal year ending June 30, 1975, and \$150,000,000 for the fiscal year ending June 30, 1976.

(2) For carrying out section 403 of title 23, United States Code (relating to highway safety research and development), by the National Highway Traffic Safety Administration, out of the Highway Trust Fund, \$42,500,000 for the fiscal year ending June 30, 1974, \$55,000,000 for the fiscal year ending June 30, 1975, and \$65,000,000 for the fiscal year ending June 30, 1976.

(3) For carrying out section 402 of title 23, United States Code (relating to highway safety programs), by the Federal Highway Administration, out of the Highway Trust Fund, \$25,000,000 for the fiscal year ending June 30, 1974, \$30,000,000 for the fiscal year ending June 30, 1975, and \$35,000,000 for the fiscal year ending June 30, 1976.

(4) For carrying out sections 307(a) and 403 of title 23, United States Code (relating to highway safety research and development), by the Federal Highway Administration, out of the Highway Trust Fund, for each of the fiscal years ending June 30, 1974, June 30, 1975, and June 30, 1976, not to exceed \$10,000,000 per fiscal year.

RAIL-HIGHWAY CROSSINGS

SEC. 203. (a) Each State shall conduct and systematically maintain a survey of all highways to identify those railroad crossings which may require separation, relocation, or protective devices, and establish and implement a schedule of projects for this purpose. At a minimum, such a schedule shall provide signs for all railroad-highway crossings.

(b) In addition to funds which may be otherwise available to carry out section 130 of title 23, United States Code, there is authorized to be appropriated out of the Highway Trust Fund for projects for the elimination of hazards of railway-highway crossings \$25,000,000 for the fiscal year ending June 30, 1974, \$75,000,000 for the fiscal year ending June 30, 1975, and \$75,000,000 for the fiscal year ending June 30, 1976. At least half of the funds authorized and expended under this section shall be available for the installation of protective devices at railway-highway crossings. Such sums shall be available for obligation in the same manner and to the same extent as if such funds were apportioned under this chapter.

(c) Funds authorized by this section shall be available solely for expenditure for projects on any Federal-aid system (other than the Interstate System).

(d) 50 percent of the funds made available in accordance with subsection (c) shall be apportioned to the States in the same manner as sums authorized to be appropriated under subsection (a) (1) of section 104 of the Federal-Aid Highway Act of 1973 and 50 percent of the funds made available in accordance with subsection (c) shall be apportioned to the States in the same manner as sums authorized to be appropriated under subsection (a) (2) of section 104 of the Federal-Aid Highway Act of 1973. The Federal share payable on account of any such project shall be 90 per centum of the cost thereof.

(e) Each State shall report to the Secretary of Transportation not later than September 30, 1974, and not later than September 30 of each year thereafter, on the progress being made to implement the railroad-highway crossings program authorized by this section and the effectiveness of such improvements. Each State report shall contain an assessment of the costs of the various treatments employed and subsequent accident experience at improved locations. The Secretary of Transportation shall submit a report to the Congress not later than January 1, 1975, and not later than January 1, of each year thereafter, on the progress being made by the States in implementing projects to improve railroad-highway crossings. The report shall include, but not be limited to, the number of projects undertaken, their distribution by cost range, road system, nature of treatment, and subsequent accident experience at improved locations. In addition, the Secretary's report shall analyze and evaluate each State program, identify any State found not to be in compliance with the schedule of improvements required by subsection (a), and include recommendations for future implementation of the railroad-highway crossings program.

(f) Funds authorized by this section may be used to provide local government with funds to be used on a matching basis when State funds are available which may only be spent when local government produces matching funds for the improvement of railroad crossings.

BRIDGE RECONSTRUCTION AND REPLACEMENT

SEC. 204. (a) Subsection (e) of section 144 of title 23, United States Code, is amended

by striking out "1972; and" and inserting in lieu thereof "1972,"; by inserting immediately after "1973," the following: "\$25,000,000 for the fiscal year ending June 30, 1974, \$75,000,000 for the fiscal year ending June 30, 1975, and \$75,000,000 for the fiscal year ending June 30, 1976."

(b) Subsection (f) of section 144 of title 23, United States Code, is relettered as subsection (g) (including references thereto); and immediately after subsection (e) the following new subsection (f) is inserted:

"(f) Funds authorized by this section shall be available solely for expenditure for projects on any Federal-aid system."

(c) Existing subsection (g) of section 144 of title 23, United States Code, is relettered as subsection (h) (including references thereto).

PAVEMENT MARKING DEMONSTRATION PROGRAM

SEC. 205. (a) Chapter 1 of title 23, United States Code, is amended by adding at the end thereof the following new section:

"§ 151. Pavement marking demonstration program

"(a) Congress hereby finds and declares it to be in the vital interest of the Nation that a pavement marking demonstration program be established to enable the several States to improve the pavement marking of all highways to provide for greater vehicle and pedestrian safety.

"(b) Notwithstanding the provisions of the last sentence of subsection (a) of section 105 of this title, the Secretary may approve under this section such pavement marking projects on any highway whether or not on any Federal-aid system, but not included in the Interstate System, as he may find necessary to bring such highway to the pavement marking standards issued or endorsed by the Federal Highway Administrator.

"(c) In approving projects under this section, the Secretary shall give priority to those projects which are located in rural areas and which are either on the Federal-aid secondary system or are not included on any Federal-aid system.

"(d) The entire cost of projects approved under subsections (b) and (f) of this section shall be paid from sums authorized to carry out this section.

"(e) For the purpose of carrying out the provisions of this section by the Federal Highway Administration, there is hereby authorized to be appropriated for the fiscal year ending June 30, 1974, \$25,000,000, and for each of the fiscal years ending June 30, 1975, and June 30, 1976, out of the Highway Trust Fund, the sum of \$75,000,000. Such sums shall be available for obligation in the same manner and to the same extent as if such funds were apportioned under this chapter.

"(f) Funds not required for pavement-marking projects authorized by this section may be released by the Secretary for expenditure for projects to eliminate or reduce the hazards to safety at specific locations or sections of highways which are not located on any Federal-aid system and which have high accident experiences or high accident potentials. Funds may be released by the Secretary under this subsection only if the Secretary has received satisfactory assurance from the State highway department that all nonurban area highways within the State are marked in accordance with the pavement-marking standards issued or endorsed by the Federal Highway Administrator for carrying out this program.

"(g) Each State shall report to the Secretary of Transportation not later than September 30, 1974, and not later than September 30 of each year thereafter, on the progress being made in implementing the program and the effectiveness of the improvements made under it. Each report shall include an analysis and evaluation of the number, rate, and severity of accidents at improved locations and the cost-benefit ratio of such improvements, comparing an adequate time

period before and after treatment in order to properly assess the benefits occurring from such pavement markings. The Secretary of Transportation shall submit a report to the Congress not later than January 1, 1975, and not later than January 1 of each year thereafter, on the progress being made in implementing the program and the safety benefits achieved under it."

(b) The analysis of chapter 1 of title 23, United States Code is amended by adding at the end thereof the following:

"151. Pavement marking demonstration program."

PAVEMENT MARKING RESEARCH AND DEMONSTRATION PROGRAMS

SEC. 206. (a) In addition to the research authorized by section 307(a) of title 23, United States Code, the Secretary of Transportation is authorized to conduct research and demonstration programs to improve the effectiveness and durability of various types of pavement markings and related delineators, to develop improved equipment and techniques for applying, erecting, and maintaining such markings and delineators, and to develop new traffic control materials, devices, and related delineators to assist the traveling public during adverse weather and nighttime driving conditions.

(b) There is authorized to be appropriated to carry out this section by the Federal Highway Administration, out of the Highway Trust Fund, \$10,000,000 for the fiscal year ending June 30, 1974, and \$10,000,000 for the fiscal year ending June 30, 1975.

HIGHWAY SAFETY ON INDIAN RESERVATIONS

SEC. 207. Section 402 of title 23 of the United States Code is amended by adding a new subsection (1) as follows:

"(1) For the purpose of the application of this section on Indian reservations, 'State' and 'Governor of a State' includes the Secretary of the Interior and political subdivision of a 'State' includes an Indian tribe: *Provided*, That, notwithstanding the provisions of subparagraph (C) of subsection (b) (1) hereof, 95 per centum of the funds apportioned to the Secretary of the Interior after date of enactment, shall be expended by Indian tribes to carry out highway safety programs within their jurisdictions: *And provided further*, That the provisions of subparagraph (E) of subsection (b) (1) hereof shall be applicable except in those tribal jurisdictions in which the Secretary determines such programs would not be practicable."

(b) Subsection (d) of section 402 of title 23, United States Code, is amended by inserting before the period at the end of the first sentence thereof the following: "and except that, in the case of a local highway safety program carried out by an Indian tribe, if the Secretary is satisfied that an Indian tribe does not have sufficient funds available to meet the non-Federal share of the cost of such program, he may increase the Federal share of the cost thereof payable under this Act to the extent necessary."

DRUG USE AND DRIVER BEHAVIOR HIGHWAY SAFETY RESEARCH

SEC. 208. (a) Section 403 of title 23, United States Code, is amended by inserting "(a)" immediately before the first sentence thereof, and by striking out "this section" each place it appears and inserting in lieu thereof "this subsection", and by adding at the end thereof the following new subsections:

"(b) In addition to the research authorized by subsection (a) of this section, the Secretary, in consultation with such other Government and private agencies as may be necessary, is authorized to carry out safety research on the following:

"(1) The relationship between the consumption and use of drugs and their effect upon highway safety and drivers of motor vehicles; and

"(2) Driver behavior research, including

the characteristics of driver performance, the relationships of mental and physical abilities or disabilities to the driving task, and the relationship of frequency of driver accident involvement to highway safety.

"(c) The research authorized by subsection (b) of this section may be conducted by the Secretary through grants and contracts with public and private agencies, institutions, and individuals."

(b) There is authorized to be appropriated to carry out the amendments made by this section by the National Highway Traffic Safety Administration, out of the Highway Trust Fund, the sum of \$10,000,000 per fiscal year for each of the fiscal years ending June 30, 1974, June 30, 1975, and June 30, 1976.

PROJECTS FOR HIGH-HAZARD LOCATIONS

SEC. 209. (a) Chapter 1 of title 23, United States Code, is amended by adding at the end thereof the following new section:

"§ 152. Projects for high-hazard locations"

"(a) Each State shall conduct and systematically maintain an engineering survey of all highways to identify high-hazard locations which may constitute a danger to vehicles and to pedestrians, assign priorities for the correction of such locations, and establish and implement a schedule of projects for their improvement.

"(b) For projects to eliminate or reduce the hazards at specific locations or sections of highways which have high accident experiences or high accident potentials, by the Federal Highway Administration, there is hereby authorized to be appropriated, out of the Highway Trust Fund, for the fiscal year ending June 30, 1974, \$50,000,000, and for each of the fiscal years ending June 30, 1975, and June 30, 1976, the sum of \$75,000,000 shall be appropriated out of the Highway Trust Fund. Such sums shall be available for obligation in the same manner and to the same extent as if such funds were apportioned under this chapter.

"(c) Funds authorized by this section shall be available solely for expenditure for projects on any Federal-aid system (other than the Interstate System) except in the Virgin Islands, Guam, and American Samoa.

"(d) Funds made available in accordance with subsection (b) shall be apportioned to the States in the same manner as is provided in section 402(c) of this title, and the Federal share payable on account of any such project shall be 90 per centum of the cost thereof.

"(e) Each State shall report to the Secretary of Transportation not later than September 30, 1974, and not later than September 30 of each year thereafter, on the progress being made to implement projects for high-hazard locations and the effectiveness of such improvements. Each State report shall contain an assessment of the cost of, and safety benefits derived from, the various means and methods used to mitigate or eliminate hazards and the previous and subsequent accident experience at these locations. The Secretary of Transportation shall submit a report to the Congress not later than January 1, 1975, and not later than January 1 of each year thereafter, on the progress being made by the States in implementing projects for improvements at high-hazard locations. The report shall include, but not be limited to, the number of projects undertaken, their distribution by cost range, road system, means and methods used, and the previous and subsequent accident experience at improved locations. In addition, the Secretary's report shall analyze and evaluate each State program, identify any State found not to be in compliance with the schedule of improvements required by subsection (a) and include recommendations for future implementation of the spot improvements program."

(b) The analysis of chapter 1 of title 23, United States Code, is amended by adding at the end thereof the following:

"152. Projects for high-hazard locations."

PROGRAM FOR THE ELIMINATION OF ROADSIDE OBSTACLES

SEC. 210. (a) Chapter 1 of title 23, United States Code, is amended by adding at the end thereof the following new section:

"§ 153. Program for the elimination of roadside obstacles"

"(a) Each State shall conduct and systematically maintain an engineering survey of all highways to identify roadside obstacles which may constitute a hazard to vehicles and to pedestrians, assign priorities for the correction of such obstacles and establish and implement a schedule of projects for their elimination. Such a schedule shall provide for the replacement, to the extent necessary, of existing sign and light supports which are not designed to yield or break away upon impact. Yielding or breakaway sign and light supports shall be used, where appropriate, on all new construction or reconstruction of highways.

"(b) For projects to correct roadside hazards by the Federal Highway Administration, there is hereby authorized to be appropriated, out of the Highway Trust Fund, for the fiscal year ending June 30, 1974, \$25,000,000, and for each of the fiscal years ending June 30, 1975, and June 30, 1976, the sum of \$75,000,000. Such sums shall be available for obligation in the same manner and to the same extent as if such funds were apportioned under this chapter.

"(c) Funds authorized by this section shall be available solely for expenditure for projects on any Federal-aid system (other than the Interstate System) except in the Virgin Islands, Guam, and American Samoa.

"(d) Funds made available in accordance with subsection (c) shall be apportioned to the States in the same manner as is provided in section 402(c) of this title, and the Federal share payable on account of any such project shall be 90 per centum of the cost thereof.

"(e) Each State shall report to the Secretary of Transportation not later than September 30, 1974, and not later than September 30 of each year thereafter, on the progress being made in implementing the program for the removal of roadside obstacles and the effectiveness of such improvements. Each report shall contain an assessment of the costs and safety benefits of the various means and methods used to mitigate or eliminate roadside obstacles. The Secretary of Transportation shall submit a report to the Congress not later than January 1, 1975, and not later than January 1 of each year thereafter, on the progress being made by the States in eliminating roadside obstacles and the effectiveness of the improvements made under this program. The Secretary's report shall include, but not be limited to, an analysis and evaluation of each State program, identification of any State found not to be in compliance with the schedule of improvements required by subsection (a) and shall include recommendations for future implementation of the roadside obstacle removal program. In addition, to assess the safety benefits of varying roadside obstacle treatments, the report shall contain an assessment of the costs and safety benefits of the various means and methods used to mitigate or eliminate roadside obstacles."

(b) The analysis of chapter 1 of title 23, United States Code, is amended by adding at the end thereof the following:

"153. Program for the elimination of roadside obstacles."

HIGHWAY SAFETY EDUCATIONAL PROGRAMING AND STUDY

SEC. 211. (a) The Secretary of Transportation, in cooperation with interested government and nongovernment authorities, agencies, organizations, institutions, businesses, and individuals, shall conduct a full and complete investigation and study of the use

of mass media for informing and educating the public of ways and means for reducing the number and severity of highway accidents. Such a study shall include, but not be limited to, ways and means for encouraging the participation and cooperation of television and radio station licensees, for measuring audience reactions to current educational programs, for evaluating the effectiveness of such programs, and for developing new programs for the promotion of highway safety. The Secretary shall report to the Congress his findings and recommendations by June 30, 1974.

(b) For the purpose of carrying out subsection (a) of this section, there is hereby authorized to be appropriated the sum of \$1,000,000 out of the Highway Trust Fund.

(c) The Secretary of Transportation, in consultation with State and local highway safety officials, shall develop a series of highway safety television programs of varying length, up to and including five minutes, for use in accordance with the provisions of the Communications Act of 1934. At least 50 per centum of the funds authorized and expended under subsection (d) of this section shall be allocated to the States at the discretion of the Secretary for approved programming projects. To the maximum extent feasible, the services of private individuals shall be utilized in carrying out this subsection.

(d) For the purpose of carrying out subsection (c) of this section, there is hereby authorized to be appropriated the sum of \$4,000,000 out of the Highway Trust Fund.

CITIZEN PARTICIPATION STUDY

SEC. 212. (a) The Secretary of Transportation, in cooperation with State and local highway safety authorities, shall conduct a full and complete investigation and study of ways and means for encouraging greater citizen participation and involvement in highway safety programs, with particular emphasis on traffic enforcement and accident detection, response, and reporting, including, but not limited to, the creation of citizen adjuncts to assist professional traffic enforcement agencies and highway rescue agencies in the performance of their duties. The Secretary shall report to the Congress his findings and recommendations by June 30, 1974.

(b) For the purposes of carrying out this section, there is authorized to be appropriated the sum of \$1,000,000 out of the Highway Trust Fund.

FEASIBILITY STUDY—NATIONAL CENTER FOR STATISTICAL ANALYSIS OF HIGHWAY OPERATIONS

SEC. 213. (a) The Secretary of Transportation shall make a study of the feasibility of establishing a National Center for Statistical Analysis of Highway Operations designed to acquire, store, and retrieve highway accident data and standardize the information and procedures for reporting accidents on a nationwide basis. Such study should include, but not be limited to, an estimate of the cost of establishing and maintaining such a center, including the means of acquiring the accident information to be stored therein, the methods to be used for its evaluation and the criteria needed to assure its proper utilization by appropriate public and private agencies and groups. The Secretary shall report to the Congress his findings and recommendations not later than January 1, 1975.

(b) For the purpose of carrying out this section, there is authorized to be appropriated the sum of \$5,000,000 out of the Highway Trust Fund.

PEDESTRIAN AND BICYCLE SAFETY STUDY

SEC. 214. (a) The Secretary of Transportation shall make a full and complete investigation and study of pedestrian and bicycle safety. Such an investigation and study shall include, but not be limited to, the following:

(1) A review and evaluation of State and local ordinances, regulations, and laws and the enforcement policies, procedures, methods, practices, and capabilities for enforcing them.

(2) The relationship between alcohol and pedestrian and bicycle safety, with special emphasis on problem drinkers, both drivers and pedestrians.

(3) An evaluation of ways and means of improving pedestrian and bicycle safety programs.

(4) An analysis of present funding allocations for pedestrian and bicycle safety programs and an assessment of the capabilities of Federal, State, and local governments to fund such activities and programs. In the conduct of such investigation and study, the Secretary shall cooperate and consult with other agencies of the Federal Government, the States, and their political subdivisions, and other interested private organizations, groups, and individuals.

(b) The Secretary shall, not later than January 31, 1975, report to the Congress the results of this investigation and study together with his conclusions and recommendations for appropriate legislation.

(c) There is hereby authorized not to exceed \$5,000,000 from the Highway Trust Fund to carry out this section.

MANPOWER TRAINING AND DEMONSTRATION PROGRAMS

Sec. 215. (a) The first sentence of subsection (c) of section 402 of title 23, United States Code, is amended by inserting immediately after "approved in accordance with subsection (a)," the following: "including development and implementation of manpower training programs, and of demonstration programs that the Secretary determines will contribute directly to the reduction of accidents, and deaths and injuries resulting therefrom. Such funds".

PUBLIC ROAD MILEAGE

Sec. 216. Subsection (c) of section 402 of title 23, United States Code, is amended by inserting immediately after the third sentence the following: "Public road mileage as used in this subsection shall be determined as of the end of the calendar year preceding the year in which the funds are apportioned and shall be certified to by the Governor of the State and subject to approval by the Secretary."

MINIMUM APPORTIONMENT

Sec. 217. Subsection (c) of section 402 of title 23, United States Code, is amended by striking "one-third of 1 per centum" in the fifth sentence thereof, and inserting "one-half of 1 per centum".

HIGHWAY SAFETY PROGRAM APPLICABILITY

Sec. 218. Section 401, title 23, United States Code, is amended by adding at the end thereof the following: "For the purposes of this chapter, the term 'State' means any one of the fifty States, the District of Columbia, Puerto Rico, the Virgin Islands, Guam, and American Samoa, except that all expenditures for carrying out this chapter in the Virgin Islands, Guam, and American Samoa shall be paid out of money in the Treasury not otherwise appropriated."

INCENTIVES FOR COMPLIANCE WITH HIGHWAY SAFETY PROGRAMS

Sec. 219. Section 402 of title 23, United States Code, is amended by adding the following new subsection:

"(j) (1) In addition to other grants authorized by this section, the Secretary may make incentive grants in each fiscal year to those States which have adopted legislation requiring the use of seatbelts in accordance with criteria which the Secretary shall establish and publish. Such grants may only be used by recipient States to further the purposes of this chapter. Such grants shall be in addition to other funds authorized by this section. There is hereby authorized to be

appropriated to carry out this paragraph, out of the Highway Trust Fund, not to exceed \$25,000,000 for the fiscal year ending June 30, 1974, not to exceed \$32,000,000 for the fiscal year ending June 30, 1975, and not to exceed \$37,500,000 for the fiscal year ending June 30, 1976.

"(2) In addition to other grants authorized by this section, the Secretary may make additional incentive grants to those States which have made the most significant progress in reducing traffic fatalities based on the reduction in the rate of such fatalities per one hundred million-vehicle miles during the calendar year immediately preceding the fiscal year for which such incentive funds are authorized compared with the average annual rate of such fatalities for the four calendar year period preceding such calendar year. Such incentive grants shall be made in accordance with criteria which the Secretary shall establish and publish. Such grants may only be used by recipient States to further the purposes of this chapter. Such grants shall be in addition to other funds authorized by this section. There is hereby authorized to be appropriated to carry out this paragraph, out of the Highway Trust Fund, not to exceed \$12,500,000 for the fiscal year ending June 30, 1974, not to exceed \$16,000,000 for the fiscal year ending June 30, 1975, and not to exceed \$19,000,000 for the fiscal year ending June 30, 1976.

"(3) Incentive awards authorized by this section shall not exceed 25 per centum of each State's apportionment as authorized by this chapter."

HIGHWAY SAFETY RESEARCH AND DEVELOPMENT

Sec. 220. The second sentence of subsection (a) of section 403 of title 23, United States Code, is amended to read as follows: "In addition, the Secretary may use the funds appropriated to carry out this section, either independently or in cooperation with other Federal departments or agencies, for making grants to or contracting with State or local agencies, institutions, and individuals for (1) training or education of highway safety personnel, (2) research fellowships in highway safety, (3) development of improved accident investigation procedures, (4) emergency service plans, (5) demonstration projects, and (6) related activities which the Secretary deems will promote the purposes of this section. The Secretary shall assure that no fees are charged for any meetings or services attendant thereto or other activities relating to training and education of highway safety personnel."

TRANSFER OF DEMONSTRATION PROJECT EQUIPMENT

Sec. 221. Section 403 of title 23, United States Code, is amended by adding at the end thereof the following new subsection:

"(d) The Secretary may, where he deems it to be in furtherance of the purposes of section 402 of this title, vest in State or local agencies, on such terms and conditions as he deems appropriate, title to equipment purchased for demonstration projects with funds authorized by this section."

ADMINISTRATIVE ADJUDICATION OF TRAFFIC INFRACTIONS

Sec. 222. Section 403 of title 23, United States Code, is amended by adding at the end thereof the following new subsection:

"(e) In addition to the research authorized by subsection (a) of this section, the Secretary shall, either independently or in cooperation with other Federal departments or agencies, conduct research into, and make grants to or contracts with State or local agencies, institutions, and individuals for projects to demonstrate the administrative adjudication of traffic infractions. Such administrative adjudication demonstration projects shall be designed to improve highway safety by developing fair, efficient, and effective processes and procedures for traffic infraction adjudication, utilizing appropriate

punishment, training, and rehabilitative measures for traffic offenders. The Secretary shall report to Congress by July 1, 1975, and each year thereafter during the continuance of the program, on the research and demonstration projects authorized by this subsection, and shall include in such report a comparison of the fairness, efficiency, and effectiveness of administrative adjudication of traffic infractions with other methods of handling such infractions."

NATIONAL HIGHWAY SAFETY ADVISORY COMMITTEE

Sec. 223. Subsection (a) (1) of section 404 of title 23, United States Code, is amended by inserting immediately after "Federal Highway Administrator," the following: "the National Highway Traffic Safety Administrator."

DATE OF ANNUAL REPORT

Sec. 224. The first sentence of subsection (a) of section 202 of the Highway Safety Act of 1966 (80 Stat. 736) is amended by deleting "March 1" and substituting in lieu thereof the following: "July 1".

HIGHWAY SAFETY NEEDS STUDY

Sec. 225. In order to provide the basis for evaluating the continuing highway safety programs authorized in title 23, United States Code, and to furnish Congress with the information necessary for the authorization of appropriations for such programs, the Secretary of Transportation, in cooperation with the Governors and appropriate State and local highway officials, shall make a full and complete study of highway safety needs and shall prepare recommendations and estimates of the costs for meeting such needs. Such estimates and recommendations shall identify the requirements to meet highway safety needs of the States, Puerto Rico, and the District of Columbia and would also consider those of Guam, American Samoa, the Virgin Islands and such other United States territories as the Secretary shall determine. The Secretary shall submit such detailed estimates and recommendations to the Congress not later than January 10, 1976.

DRIVER EDUCATION EVALUATION PROGRAM

Sec. 226. (a) Section 403 of title 23, United States Code, is amended by adding at the end thereof the following new subsection:

"(f) In addition to the research authorized by subsection (a) of this section, the Secretary shall carry out research, development, and demonstration projects to improve and evaluate the effectiveness of various types of driver education programs in reducing traffic accidents and deaths, injuries, and property damage resulting therefrom. The research, development, and demonstration projects authorized by this subsection may be carried out by the Secretary through grants and contracts with public and private agencies, institutions, and individuals. The Secretary shall report to the Congress by July 1, 1975, and each year thereafter during the continuance of the program, on the research, development, and demonstration projects authorized by this subsection, and shall include in such report an evaluation of the effectiveness of driver education programs in reducing traffic accidents and deaths, injuries, and property damage resulting therefrom."

(b) For the purpose of carrying out the amendment made by subsection (a) of this section, there is authorized to be appropriated \$10,000,000 out of the Highway Trust Fund.

TRANSFER OF FUNDS AMONG HIGHWAY SAFETY PROGRAMS

Sec. 227. Section 104 of title 23, United States Code, is amended by adding at the end thereof the following new subsection:

"(g) Not more than 30 per centum of the amount apportioned in any fiscal year to each State in accordance with sections 144, 152, and 153 of this title, or section 203(d) of the Highway Safety Act of 1973, may be

transferred from the apportionment under one section to the apportionment under any other of such sections if such a transfer is requested by the State highway department and is approved by the Secretary as being in the public interest. The Secretary may approve such transfer only if he has received satisfactory assurances from the State highway department that the purposes of the program from which such funds are to be transferred have been met."

CURB RAMP FOR THE HANDICAPPED

SEC. 228. Paragraph (1) of subsection (b) of section 402 of title 23, United States Code, is amended by adding at the end thereof the following:

"(F) provide adequate and reasonable access for the safe and convenient movement of physically handicapped persons, including those in wheelchairs, across curbs constructed or replaced on or after July 1, 1976, at all pedestrian crosswalks throughout the State."

HIGHWAY SAFETY STANDARDS

SEC. 229. Subsection (h) of Section 402 of title 23, United States Code, is amended to read as follows:

"(h) Each uniform safety standard promulgated under this section on or before July 1, 1973, shall continue in effect unless otherwise specifically provided by law enacted after the date of enactment of the Federal-aid Highway Act of 1973. The Secretary shall not promulgate any other uniform safety standard under this section (including by revision of a standard continued in effect by the preceding sentence) unless otherwise specifically provided by law enacted after the date of enactment of the Federal-aid Highway Act of 1973."

FEDERAL-AID SAFER ROADS DEMONSTRATION PROGRAM

SEC. 230. (a) Chapter 4 of title 23, United States Code, is amended by adding at the end thereof the following new section:

"§ 405. Federal-aid safer roads demonstration program

"(a) The Federal-aid safer roads demonstration program shall consist of all public roads or segments thereof not on a Federal-aid system needing improvements to correct safety hazards, selected or designated by each State subject to the approval of the Secretary.

"(b) Not later than June 30, 1974, each State shall identify projects for the Federal-aid safer roads demonstration program for all public roads in such State not on the Federal-aid system, including projects to improve highway marking and signing, to eliminate roadside obstacles, to eliminate hazards at railroad-highway grade crossings, and to correct high-hazard locations, identified by accident reporting, traffic records, and hazards analysis systems established in accordance with standards promulgated under subsection (a) of section 402 of this title. Each State shall assign priorities for and undertake the systematic correction of identified hazards, to provide for the most effective improvement in highway safety.

"(c) There is authorized to be appropriated for the Federal-aid safer roads demonstration program for projects on public roads not on the Federal-aid system for the removal of roadside obstacles, the elimination of hazards at railroad-highway grade crossings, and the proper marking and signing of highways in accordance with subsection (b) of this section, out of the Highway Trust Fund, \$50,000,000 for the fiscal year ending June 30, 1974, and \$100,000,000 per fiscal year for each of the fiscal years ending June 30, 1975, and June 30, 1976. Such sums shall be apportioned among the States in accordance with the formula established under subsection (c) of section 402 of this title. The Federal share payable on account of any such project shall be 90 per centum of the cost thereof. The provisions of chapter 1 of this

title relating to the obligation, period of availability, and expenditure for Federal-aid primary highway funds shall apply to funds apportioned to carry out this subsection. Prior to June 30, 1974, funds shall be available for such projects as determined by the State, subject to the approval of the Secretary.

"(d) For the purposes of this section, the term 'public road' means any road under the jurisdiction of and maintained by a public authority and open to public travel and which is not on a Federal-aid system.

"(e) It shall be the responsibility of each State to maintain adequate pavement markings on any public road marked with funds available under this section in such State.

"(f) In any State wherein the State is without legal authority to construct or maintain a project under this section, such State shall enter into a formal agreement for such construction or maintenance with the appropriate local officials of the county or municipality in which such project is located.

"(g) In carrying out the Federal-aid safer roads demonstration program authorized by this section, the Secretary shall coordinate such program with the programs and projects authorized in sections 144, 152, and 153, of this title and section 203(d) of the Highway Safety Act of 1973.

"(h) The Secretary shall file an interim report with the Congress on January 1, 1975, concerning the progress being made under the demonstration program authorized by this section and its effectiveness. The Secretary shall report to Congress on or before January 1, 1976, a comprehensive report on the program authorized by this section. Such reports shall include, but not be limited to, the number of projects undertaken, their distribution by cost range, roads system, means and methods used, and previous and subsequent accident experience at improved locations. In addition such reports shall analyze and evaluate the program State by State, and shall include such recommendations as he determines necessary for the further implementation of this program."

(b) The table of contents of chapter 4 of title 23, United States Code, is amended by adding at the end thereof:

"405. Federal-aid safer roads demonstration program."

BICYCLE SAFETY

SEC. 231. (a) The fourth sentence of subsection (a) of section 402 of title 23, United States Code, is amended by striking out the period at the end thereof and inserting in lieu thereof the following: ", and bicycle safety."

(b) Paragraph (b)(1)(E) of section 402 of title 23, United States Code, is amended by striking out "and" before "(5)" and by striking out the period at the end of such paragraph and inserting in lieu thereof a comma and the following: "and (6) driver education programs, including research, that will assure greater safety for bicyclists using public roads in such State."

TITLE III

URBAN MASS TRANSPORTATION ACT OF 1964

SEC. 301. (a) The fifth sentence of section 4(a) of the Urban Mass Transportation Act of 1964 is amended to read as follows: "The Federal grant for any such project to be assisted under section 3 shall be in an amount equal to 80 per centum of the net project cost."

(b) The amendment made by subsection (a) shall apply only with respect to projects which were not subject to administrative reservation on or before July 1, 1973.

(c) Section 4(c) of the Urban Mass Transportation Act of 1964 is amended by striking out "\$3,100,000,000" in the first and third sentences and inserting in lieu thereof "\$6,100,000,000".

(d) Section 9 of the Urban Mass Transportation Act of 1964 is amended—

(1) by striking out "to make grants" in the first sentence and inserting in lieu thereof "to contract for and make grants";

(2) by striking out "and designing" in the first sentence and inserting in lieu thereof "designing, and evaluation";

(3) by striking out "and (3)" in the second sentence and inserting in lieu thereof "(3) evaluation of previously funded projects; and (4)";

(4) by inserting "or contract" after "A grant" in the third sentence; and

(5) by striking out all that follows "Secretary" in the third sentence and inserting in lieu thereof a period.

(e) The provision of assistance under the amendments made by this section shall not be construed as bringing within the application of chapter 15 of title 5, United States Code, any nonsupervisory employee of an urban mass transportation system (or of any other agency or entity performing related functions) to whom such chapter is otherwise inapplicable.

(f) Section 12 of the Urban Mass Transportation Act of 1964 is amended by adding at the end thereof the following new subsection:

"(f) No person shall on the ground of sex be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving Federal assistance under this Act or carried out under this Act. This provision will be enforced through agency provisions and rules similar to those already established, with respect to racial and other discrimination, under title VI of the Civil Rights Act of 1964. However, this remedy is not exclusive and will not prejudice or cut off any other legal remedies available to a discriminatee."

(g) Section 16(b) of the Urban Mass Transportation Act of 1964 is amended to read as follows:

"(b) In addition to the grants and loans otherwise provided for under this Act, the Secretary is authorized to make grants and loans—

"(1) to States and local public bodies and agencies thereof for the specific purpose of assisting them in providing mass transportation services which are planned, designed, and carried out so as to meet the special needs of elderly and handicapped persons, with such grants and loans being subject to all of the terms, conditions, requirements, and provisions applicable to grants and loans made under section 3(a) and being considered for the purposes of all other laws to have been made under such section; and

"(2) to private nonprofit corporations and associations for the specific purpose of assisting them in providing transportation services meeting the special needs of elderly and handicapped persons for whom mass transportation services planned, designed, and carried out under paragraph (1) are unavailable, insufficient, or inappropriate, with such grants and loans being subject to such terms, conditions, requirements, and provisions (similar insofar as may be appropriate to those applicable to grants and loans under paragraph (1)) as the Secretary may determine to be necessary or appropriate for purposes of this paragraph.

Of the total amount of the obligations which the Secretary is authorized to incur on behalf of the United States under the first sentence of section 4(c), 2 per centum may be set aside and used exclusively to finance the programs and activities authorized by this subsection (including administrative costs)."

TITLE IV

INAPPLICABILITY OF TIME REQUIREMENTS

SEC. 401. The time requirements in section 104(b) of title 23, United States Code, shall not be applicable to the apportionment of sums authorized for the fiscal year ending June 30, 1974, in any title of this Act, and the Secretary shall apportion such sums for

such fiscal year as soon as practicable after the date of enactment of this Act.

CONFORMING ADJUSTMENTS

Sec. 402. All sums authorized in Public Law 93-61 are included within the authorizations contained in this Act for the fiscal year ending June 30, 1974, and the Secretary shall make such adjustments in apportionments made under Public Law 93-61 as may be necessary to conform such apportionments to this Act.

And the House agree to the same.

JIM WRIGHT,
JOHN A. BLATNIK,
JOHN C. KLUCZYNSKI,
HAROLD T. JOHNSON,
JAMES V. STANTON,
DON H. CLAUSEN,

Managers on the Part of the House.

LOYD BENTSEN,
JENNINGS RANDOLPH,
EDMUND S. MUSKIE,
JOSEPH M. MONTTOYA,
HOWARD BAKER,
ROBERT T. STAFFORD,
JAMES BUCKLEY,

Managers on the Part of the Senate.

JOINT EXPLANATORY STATEMENT OF THE
COMMITTEE OF CONFERENCE

The managers on the part of the House and the Senate at the conference on the disagreeing votes of the two Houses on the amendment of the House to the bill (S. 502) to authorize appropriations for the construction of certain highways in accordance with title 23 of the United States Code, and for other purposes, submit the following joint statement to the House and the Senate in explanation of the effect of the action agreed upon by the managers and recommended in the accompanying conference report:

The House amendment struck out all of the Senate bill after the enacting clause and inserted a substitute amendment.

The committee of conference has agreed to a substitute for both the Senate bill and the House amendment. Except for clarifying, clerical, and conforming changes, the differences are noted below:

TITLE I

Short title

Senate Bill

Provides that the Act may be cited as the "Federal-Aid Highway Act of 1973".

House Amendment

Provides that the Act may be cited as the "Federal-Aid Highway Act of 1973."

Conference Substitute

This is the same as both the Senate bill and the House amendment.

Revision of authorization for appropriations for Interstate System

Senate Bill

This section provides authorizations for the Interstate highway program through the fiscal year 1976. \$3.25 billion would be authorized for each fiscal year from 1974 through 1976. It amends subsection (b) of section 108 of the Federal-Aid Highway Act of 1956 by reducing the authorization by \$750 million for each of those fiscal years.

House Amendment

This section authorizes the appropriation of an additional \$8 billion for completion of the Interstate System. \$3.5 billion per fiscal year for the fiscal years 1974 through 1978 and \$2.5 billion for the fiscal year 1979.

Conference Substitute

This section authorizes the appropriation of \$2.6 billion for fiscal year 1974, \$3 billion per fiscal year for the fiscal years 1975 and 1976, and \$3.25 billion per fiscal year for the fiscal years 1977, 1978, and 1979.

Authorization of use of cost estimates for apportionment of Interstate funds

Senate Bill

This section approves the use of apportionment factors contained in revised table 5 in the 1972 Interstate Cost Estimate (House Document 29, 92d Congress) for the apportionment of Interstate funds authorized to be appropriated for fiscal years 1974, 1975 and 1976.

House Amendment

This section approves the use of the apportionment factors contained in revised table 5 of the 1972 Interstate System Cost Estimate (House Public Works Committee Print No. 92-29, as revised in House Report Numbered 92-1443), for the apportionment of Interstate funds authorized to be appropriated for fiscal years 1974, 1975, and 1976.

Conference Substitute

This section is the same as the Senate bill and the House amendment with the exception that the Secretary of Transportation is required to make the apportionments rather than being authorized to do so.

Highway authorizations

Senate Bill

This section authorizes funds for the Federal-Aid and Federal domain roads programs for the fiscal years 1974, 1975, and 1976.

For the Federal-aid primary system in rural areas, \$650,000,000; for the Federal-aid urban system, \$850,000,000; for the Federal-aid secondary system in rural areas, \$350,000,000; for the extensions of the Federal-aid primary and secondary systems in urban areas, \$350,000,000.

Funds for parkways are authorized to be appropriated from the trust fund for the first time. Funds for forest highways and public lands highways are available from the trust fund in accordance with the practice established in the 1970 Federal-Aid Highway Act. Authorizations for Indian reservation roads and bridges are from the trust fund also for the first time. The authorizations for these highways are as follows:

[In millions]

Category	1974	1975	1976
Forest highways.....	\$33	\$33	\$33
Public lands highways.....	16	16	16
Forest development roads and trails.....	75	75	75
Public lands development roads and trails.....	10	10	10
Park roads and trails.....	30	30	30
Parkways.....	75	75	75
Indian reservation roads and bridges.....	75	75	75

This section also authorizes \$15 million for fiscal 1974, 1975, and 1976 for landscaping and scenic enhancement; \$1.5 million for each of those years for the administrative expenses of the beautification program; and continues the territorial highway program established in the 1970 act with authorization to the territories in the following amounts:

[In millions of dollars]

Category	1974	1975	1976
Virgin Islands.....	2.5	2.5	2.5
Guam.....	2.0	2.0	2.0
American Samoa.....	1.0	1.0	1.0

For fiscal years 1974, 1975, and 1976, each State will receive at least 1/2 of 1% of total apportionments for the Interstate System. Whenever such amount exceeds the cost of completing the system in any State, the excess amount will be added to primary, secondary, and urban apportionments for such State in the ratio which the respective amounts bear to each other. For those costs, an additional \$50 million will be authorized for the 1974, 1975, and 1976 fiscal years. The funds made available by this provision are

to be obligated at the Federal share applicable to projects on such systems.

House Amendment

This section authorizes the appropriation, out of the Highway Trust Fund, of the following sums for each of the fiscal years 1974, 1975, and 1976:

For the Federal-aid primary system in rural areas, \$700,000,000; for the Federal-aid urban system, \$700,000,000; for the Federal-aid secondary system in rural areas, \$400,000,000; for the extensions of the Federal-aid primary and secondary systems in urban areas, \$400,000,000; for economic growth center development highways, \$150,000,000; for forest highways, \$33,000,000; and for public lands highways, \$16,000,000.

This section eliminates the present single authorization for appropriation for the Federal-aid primary and secondary systems and their urban extensions within urban areas and substitutes a separate authorization for appropriation for the rural and the urban portions of these systems.

It also provides authorizations of \$50,000,000 for each of the fiscal years 1974, 1975, and 1976 in addition to all other authorizations for the Interstate System, be apportioned to each of the States which otherwise would receive less than one-half of one percent of the Interstate apportionment for fiscal year 1974, 1975, or 1976, so long as such State has not completed Federal funding of the Interstate System within its boundaries.

Use of any funds authorized by this section for highway beautification (sections 131, 136 and 319(b)) or Chapter 4 of title 23, United States Code, is prohibited.

It also provides authorizations for \$3,000,000 for each of the fiscal years 1974, 1975, and 1976 for necessary administrative expenses in carrying out sections 131, 136, and 319(b).

Authorizations are provided for the Territorial Highway Program for each of the fiscal years 1974, 1975, and 1976, as follows: Virgin Islands, \$5,000,000; Guam, \$2,000,000; and American Samoa, \$1,000,000.

Sums authorized for the fiscal years 1974, 1975, and 1976, for certain categories of roads administered by the Department of Transportation jointly with either the Department of the Interior or the Department of Agriculture, are as follows:

[In millions of dollars]

	1974	1975	1976
Forest development roads and trails.....	170	170	170
Public lands development roads and trails.....	10	10	100
Park roads and trails.....	30	30	30
Indian reservation roads and bridges.....	100	100	100
Parkways.....	75	75	75

Conference Substitute

This section is the same as the House amendment with the following revisions:

(1) The Federal-aid urban system is funded at \$780,000,000 for fiscal 1974 and at \$800,000,000 per fiscal year thereafter and extensions of the Federal-aid primary and secondary system in urban areas are funded at \$290,000,000 for fiscal year 1974 and at \$300,000,000 per fiscal year thereafter.

(2) The Federal-aid primary system in rural areas is funded at \$680,000,000 for fiscal year 1974 and \$700,000,000 per fiscal year thereafter. The Federal-aid secondary system in rural areas is funded at \$390,000,000 and \$400,000,000 per fiscal year thereafter.

(3) Forest development trails are funded at \$140,000,000 per fiscal year.

(4) Parkway are funded at \$60,000,000 for fiscal year 1974 and at \$75,000,000 per fiscal year thereafter from the general fund except that all of the cost of any parkway project on a Federal-aid system paid under this authori-

zation shall be paid from the Highway Trust Fund. The Conferees intend that vehicular use of parkways on the Federal-aid system shall be subject to regulation the same as on any other parkways.

(5) Indian reservation roads and bridges are funded at \$75,000,000 per fiscal year.

(6) Economic growth center development highways are funded at \$50,000,000 for fiscal year 1974, \$75,000,000 for 1975, and \$100,000,000 for 1976.

(7) Administrative expenses for carrying out sections 131, 136, and 319(b) of title 23, United States Code, are funded at \$1,500,000 per fiscal year.

(8) Funds for section 319(b) of title 23, United States Code (relating to landscaping and scenic enhancement), are deleted.

Subsection (b) of this section is the same as that subsection in the Senate bill.

Submission of certain reports

Senate bill

No comparable provision.

House amendment

This section requires the Secretary of Transportation to forward to the Congress within 30 days of the enactment of this act those reports submitted by FHWA required under sections 105(b)(2), 121 and 144 of the Federal-aid Highway Act of 1970. Such submission shall contain the Secretary's recommendations to the Director of the Office of Management and Budget unless these recommendations have already been submitted to the Congress.

Conference substitute

No comparable provision.

Definitions

Senate bill

This section amends subsection (a) of Section 101 to include traffic operation improvement programs (TOPICS) under the definition of "construction."

The definition of "Indian roads and bridges" is modified so that the Indian and Alaskan native villages, otherwise eligible for Indian services in general, would be eligible for funding under chapter 2 of title 23.

The definitions of "urban area" and "urbanized area" are changed to allow State and local officials, in cooperation with the Secretary, to fix urban and urbanized area boundaries, including at least the area designated by the Bureau of the Census.

House amendment

This section provides a conforming amendment to the definition of the term "construction" to change the reference to the "Coast and Geodetic Survey" to its current name "National Oceanic and Atmospheric Administration" and by adding traffic engineering and operational improvements to the definition. The term "urban area" is amended to require the participation of appropriate local officials in the establishment of the boundaries of an urban area. The definition of the term "Indian reservation roads and bridges" is amended to make Alaskan native villages, groups, or communities eligible for funding under chapter 2 of title 23.

Conference Substitute

This section redefines the term "construction" as defined in the Senate bill, the term "Indian reservation roads and bridges" as defined in the House bill, the term "urban area" as defined in the Senate bill with an amendment to include parts of a multi-state urban area and the term "urbanized area" as defined in the Senate bill with a technical amendment.

Extension of time for completion of system

Senate Bill

This section directs the Secretary to submit to Congress a revised Interstate System cost estimate in January of 1975 rather than January 1974.

House Amendment

This section would extend the time for completion of the Interstate System until June 30, 1979, and would further direct the Secretary to submit to Congress a revised Interstate System Cost Estimate in January of 1975 for making apportionments for fiscal years 1977 and 1978 and another cost estimate in January of 1977 for apportionment of Interstate funds for fiscal year 1979.

Conference Substitute

This section is the same as the House amendment.

Declaration of policy

Senate Bill

This section declares it to be in the national interest and the intent of Congress that the Secretary should administer the Federal-aid highway program in such a manner as to give the highest priority in all instances to highway safety and to the saving of human lives.

House Amendment

This section adds a new paragraph to the present declaration of policy to the effect that, after the completion of the Interstate System, it shall be a national policy to increase emphasis on the acceleration of other Federal-aid systems in order to bring all such systems up to standards and to increase their safety to the maximum possible no later than the year 1990.

Conference Substitute

This section adds a new paragraph to the present declaration of policy to the effect that since the Interstate System is now in the final phase of completion, it shall be the national policy that increased emphasis be placed on construction and reconstruction of the other Federal-aid systems in order to bring all such systems up to standards and increase their safety to the maximum extent.

Minimization of redtape

Senate Bill

Section 108 states the national policy, that, to the maximum extent possible, the procedures followed by the Secretary and other affected heads of Federal departments, agencies, and instrumentalities shall encourage the minimization of paperwork and interagency decision procedures and the best use of available manpower and funds so as to prevent needless duplication and unnecessary delays at all levels of government.

House amendment

This section states the national policy, that, to the maximum extent possible, the procedures followed by the Secretary and other affected heads of Federal departments, agencies and instrumentalities shall encourage the "drastic" minimization of paperwork and interagency decision procedures and the best use of available manpower and funds so as to prevent needless duplication and unnecessary delays at all levels of government.

Conference substitute

This section is the same as the House amendment except that the term "drastic" has been amended to read "substantial".

Federal-aid urban system

Senate bill

This section expands the urban system as presently designated to encompass all urban areas and to include collector streets and access roads to airports and other transportation terminals. This section also amends section 103 of Title 23 to allow local officials to select the urban system routes after consultation with State highway departments and in accordance with section 134 planning process, subject to approval by the Secretary.

House amendment

This section expands the Federal-aid urban system to include the collection and distribution of traffic. It also provides that a

State not having a designated urbanized area may designate routes on the Federal-aid urban system for its largest population center, based upon a continuing planning process developed cooperatively by State and local officials and the Secretary.

Conference substitute

This section is the same as the Senate bill with the following changes:

(1) The Federal-aid urban system shall be established in each urbanized area and in such other urban areas as the State highway department may designate.

(2) The routes are to be selected by local officials with the concurrence of the State highway departments.

(3) In approving programs for projects on the system, the Secretary shall require that projects be selected by local officials with the concurrence of the State highway department.

Removal of designated segments of the Interstate System

Senate Bill

This section amends section 103(g) of Title 23 and requires the States to notify the Secretary by July 1, 1974, of their intent to build any remaining Interstate segments; otherwise, such segments would be removed from Interstate designation. Substitute alternative segments, however, could be considered up to one year after that date. By July 1, 1975, States would be required to submit a schedule for completion of the system (including alternate segments).

House Amendment

The section changes the date for removing from designation as part of the Interstate System of those segments for which a State has not submitted a schedule for expenditure of funds to complete the system from July 1, 1973 to July 1, 1974, and for submitting plans, specifications and estimates for approval by the Secretary from July 1, 1975 to July 1, 1977. The District of Columbia is exempted from this provision.

Conference Substitute

The same as the Senate provision except for technical amendments and two added provisions, one of which excepts the District of Columbia from the provisions of the section and the second of which requires construction of any portion of a designated Interstate segment wholly within the borders of a city if such city provides matching funds from its own resources. The effective date of the provision is made June 30, 1973. Subsection (h) of section 103, title 23, United States Code, is intended to give urban areas the authority and responsibility to complete transportation systems necessary for mobility of urban residents and essential for the economic viability or urban areas. Local funds for such designated segments of the Interstate System are to be provided by one or more of the units of local government that will be served by the facility.

Apportionment

Senate Bill

Section 113 amends the Federal-aid primary formula to substitute the phrase "intercity mail routes where service is performed by motor vehicles" for the words "star routes" as a more accurate description. Provision would also be made to establish a minimum of one-half of one percent for each State's apportionment of funds for the Federal-aid urban system and changing the word "urbanized" to "urban". This assures the apportionment of urban system funds on the basis of population in urban areas of over 5,000 in population, as defined in 23 U.S.C. 101(a). The authority to transfer apportionments between the Federal-aid primary and secondary systems, is increased from 20 to 30 percent. Authorization to transfer up to 30 percent of urban extension funds to the urban highway system is also provided. A conforming amendment deleting

the last sentence of section 104(c) would also be made.

In addition, in any State in which the Administrator of the Environmental Protection Agency has certified that one or more air quality regions would fail to achieve by July 1, 1975, specified standard air quality levels under the Clean Air Act, the Secretary is authorized to require the State to transfer all urban extension sums apportioned to such State to the account of urbanized areas within such designated air quality region for emergency assistance for transportation system improvements.

House Amendment

This section would amend the Federal-aid primary formula to substitute rural population for general population. Provision is also made to establish a minimum of one-half of one percent for each State's apportionment of funds for the Federal-aid urban system. The section would increase the authority of the Secretary to approve the transfer of apportionments from one system to another from 20 to 50 percent. Such transfers may be made, on the one hand, between the Federal-aid primary and secondary systems under sections 104(b) (1) and (2) and, on the other hand, between extensions of the Federal-aid primary and secondary systems within urban areas and the Federal-aid urban system. Conforming amendments deleting the last sentence of section 104(c) are also made.

Conference Substitute

This section would amend section 104 of title 23 of the United States Code as follows:

(1) by revising the concept of "star routes" to make it conform to the present law;

(2) to amend the Federal-aid primary and Federal-aid secondary formulas to substitute rural area population for general population and rural population respectively and to exclude the District of Columbia from apportionments;

(3) to establish a minimum of one-half of one percent of each State's apportionment of funds for the Federal-aid urban system and by changing the word "urbanized" to "urban". This assures the apportionment of urban system funds on the basis of population in urban areas as the term urban area is defined in 23 U.S.C. 101(a);

(4) by increasing the authority of the Secretary to transfer apportionments from 20 percent to 40 percent in accordance with the provisions of the House amendment. Funds apportioned under section 104(b) (6) are not to be transferred from their allocation to an urbanized area of 200,000 population without approval of the local officials;

(5) conforming amendments deleting the last sentence of section 104(c) are made.

A new subsection (b) which would insure that no State (other than the District of Columbia) would receive an apportionment for the primary system less than that which they received for fiscal year 1973 and an additional \$17,000,000 for fiscal year 1974 and \$15,000,000 per year for fiscal years 1975 and 1976 is authorized for this purpose.

Apportionment of planning funds

Senate Bill

This section makes available to metropolitan planning agencies $\frac{1}{2}$ of 1% of funds apportioned to States for the Federal-aid systems to be used for the purpose of carrying out section 134 of title 23, relating to transportation planning. Funds would be apportioned to the States on the basis of urbanized area population and further apportioned to metropolitan agencies within each State in accordance with a formula developed by each State and approved by the Secretary. Funds would be matched in accordance with section 120 of title 23 unless the Secretary determines that the interests of the Federal-aid highway program would be best served without such matching.

House Amendment

This section would make available to metropolitan planning agencies $\frac{1}{2}$ of 1% of funds apportioned for the Federal-aid systems for the purpose of carrying out section 134 of title 23, relating to transportation planning. Funds would be apportioned to the States on the basis of population and further apportioned to metropolitan agencies in accordance with a formula developed by each State and approved by the Secretary. Funds would be matched in accordance with section 120 of title 23 unless the Secretary determines that the interests of the Federal-aid highway program would be best served without such matching.

Conference Substitute

This section is the same as the Senate bill and the House amendment.

Advance acquisition

Senate Bill

This section extends from 7 years to 10 years the allowable time period within which actual highway construction should begin following the advance purchase of right-of-way.

House Amendment

This section would extend from 7 to 10 years the allowable time period within which highway construction must begin following the advance purchase of rights-of-way.

Conference Substitute

This section is the same as the House amendment.

Noise level standards

Senate Bill

Subsection (a) of this section authorizes the Secretary to promulgate standards for the control of highway noise levels for Federal-aid projects approved prior to July 1, 1972. The Secretary would be authorized to approve projects on Federal-aid systems to help carry out noise-level standards.

Subsection (b) would also prohibit the initiation of any highway program or the construction of any highway project approved under title 23 after June 30, 1973, unless it is in conformity with guidelines promulgated by the Secretary to assure attainment of ambient air quality standards under the Clean Air Act, as amended, and consistent with implementation plans approved by the Administrator of the Environmental Protection Agency for air quality control regions requiring transportation controls.

House Amendment

Existing law requires that after July 1, 1972, plans, specifications and estimates for Federal-aid highways which are not compatible with noise level standards promulgated by the Secretary shall be disapproved. This provision would permit the Secretary to promulgate noise level standards for projects approved prior to July 1, 1972, and also permit the expenditure of Federal-aid funds to make these projects compatible with such standards.

Conference Substitute

This is the same as subsection (a) of this section in the Senate bill.

The omission of subsection (b) of the Senate bill in the Conference Report in no way lessens the Secretary's responsibilities under the Clean Air Act. The Conferees reaffirm his responsibilities in properly meeting the requirements of the Act. This is a reaffirmation of what the Conferees understand existing law to be.

The provision in the Senate bill requiring that after June 30, 1973, the Secretary must, before approval, find a highway program or project to be in conformity with the guidelines he has issued under section 109(j) (1) of title 23 is not contained in the conference substitute.

This provision was intended to assure that Federal-aid Highway programs and projects

are not inconsistent with air quality control regulations for regions which under the Clean Air Act must impose transportation controls.

The Conferees agreed to delete this provision with the understanding that existing law, in section 109(j) of Title 23, section 110 of the Clean Air Act, and the National Environmental Policy Act, requires any proposed highway project to be consistent with the Clean Air Act implementation plan for the region in which it is located before such a project could be approved by the Secretary. The determination of consistency with such an implementation plan must be made by the Secretary of Transportation.

In view of the Conferees, it is critical that in affected urbanized areas the requirements of such transportation controls be considered when the priorities are established for projects through the metropolitan area comprehensive transportation planning process required by 23 U.S.C. 134. The Secretary should take all necessary steps to assure the consideration of Clean Air Act implementation plan requirements in the selection of projects and the planning processes of affected urbanized areas.

Signs on project site

Senate Bill

This amendment prohibits any informational signs, other than official traffic control devices, from being erected on any projects where actual construction is in progress.

House Amendment

This amendment would, after July 1, 1973, prohibit any informational signs, other than official traffic control devices, from being erected on any highway projects where actual construction is in progress and which would be visible to highway users.

Conference Substitute

This section is the same as the Senate bill and the House amendment.

Certification acceptance

Senate Bill

The authority of the Secretary pursuant to section 117 of Title 23 is amended to include all projects on Federal-aid systems except the Interstate. The Secretary is authorized to discharge his responsibilities relative to such projects by accepting a certification of the capability of the State to perform such responsibilities, if he finds that they will be carried out according to State regulations at least equivalent to those required by Title 23. The Secretary could rescind his acceptance of a State's certification at any time, but this alternative procedure would not lessen his responsibility under various environmental, civil rights, housing and relocation statutes.

House Amendment

This section amends section 117 of title 23, United States Code, by broadening its scope to include all Federal-aid systems except the Interstate System. Upon the request of a State, the Secretary may discharge his responsibilities under title 23 by accepting a certification of the State highway department if he finds that the State: (1) will carry out projects on such systems in accordance with State laws, regulations, directives and standards establishing requirements at least equivalent to those required under title 23; (2) the State meets the requirements of section 302 of title 23; and (3) the final decision by responsible State officials will be in the best overall public interest. The Secretary would be required to make a final inspection of such projects upon completion and require an adequate report of the estimated and actual cost of construction and such other information as he determines necessary. The acceptance of the State's certification by the Secretary may be rescinded by him at any time he determines it is necessary

to do so. The procedure provided by this section is an alternative to that otherwise prescribed in title 23 and the Secretary is required to promulgate such guidelines and regulations as may be necessary to carry out the section.

This section does not affect or discharge the responsibility or obligation of the Secretary under any Federal law, including the National Environmental Policy Act of 1969, section 4(f) of the Department of Transportation Act and the Uniform Relocation Assistance and Land Acquisition Policies Act of 1970, other than title 23.

Conference Substitute

This section is the same as the House amendment with the following changes:

(1) The certification is to be by the State highway department or that department, commission, board, or official of any State charged by its laws with the responsibility for highway construction.

(2) The requirements in clauses (2) and (3) that the State meet the requirements of section 302 and that final decisions be made by responsible State officials are eliminated.

(3) Subsection (e) is the same as the Senate bill.

Materials at off-site locations

Senate Bill

This amends 23 U.S.C. 121(a), which authorizes progress payments to a State for cost of construction, to permit payments to be made for materials which are not in the vicinity of the construction if the Secretary determines that, because of the required fabrication at an off-site location, the materials cannot be stockpiled in the vicinity of the construction.

House Amendment

This section amends 23 U.S.C. 121(a), relating to progress payments to a State for cost of construction, to permit payments to be made for materials which are not in the vicinity of the construction if the Secretary determines that because of the required fabrication at an off-site location the materials cannot be stockpiled in the vicinity of the construction.

Conference Substitute

This section is the same as the Senate bill and the House amendment.

Toll roads, bridges, tunnels, and ferries

Senate Bill

This section provides that any toll road designated as part of the Interstate System which becomes toll free would be eligible for Interstate funding for the construction, reconstruction or improvement of such road in order to bring it up to required standards.

House Amendment

This section would amend section 129(b) of title 23 to provide that when a toll road which the Secretary has approved as a part of the Interstate System becomes toll free, apportioned Federal-aid Interstate highway funds may be expended for construction, reconstruction or improvement of such road to standards adopted for the improvement of projects on the Interstate System.

In addition, this section makes an amendment to section 132 of the 1970 Federal-aid Highway Act, by changing the date therein from 1968 to 1973. This would permit Federal participation in the costs of the two additional lanes which are required under that legislation to bring any 2-lane section of the Interstate System up to the minimum of four lanes. The section is applicable only to any section of toll road which is now two lanes, and which was designated as a part of the Interstate System before July 1, 1973.

Conference Substitute

This section is the same as the House amendment.

Control of outdoor advertising and junkyards

Senate Bill

This section amends section 131, Title 23, to provide that after January 1, 1974, or the end of the next session of a State legislature, controls under the Highway Beautification Act are extended to include signs beyond 660 feet from the highway right of way of the Interstate or primary systems when such signs are erected with the purpose of their message being read from the main traveled way. Such signs would be permitted within zoned and unzoned industrial and commercial areas. Nonconforming signs would have to be removed within five years from the time they become nonconforming unless determined otherwise by the Secretary. The Secretary is authorized to issue standards for public informational signs within the rights of way for the primary system as now provided along the Interstate System. The Highway Beautification Act is further amended to provide that just compensation be paid for those signs required to be removed if they were lawfully erected under State law prior to the enactment of the Federal Aid Highway Act of 1973. For the purpose of carrying out Section 131, as amended, \$50 million is authorized from the Highway Trust Fund for each of the fiscal years 1974, 1975 and 1976.

Section 136(j) of title 23 is amended to require that just compensation be paid for removing, relocating or disposing of junkyards which were lawful on the effective date of State compliance legislation.

\$15,000,000 is authorized out of the Highway Trust Fund for purposes of junkyard control for each of the 1974, 1975 and 1976 fiscal years.

House Amendment

Subsection (a) amends 23 U.S.C. 131(a) relating to the control of outdoor advertising by eliminating the present 660 foot limitation on the control of signs along the Interstate and primary systems. After January 1, 1974, the 10% penalty could be imposed on States which do not remove signs beyond 660 feet away which are "visible from the main traveled way of the system" and are "erected with the purpose of their message being read from such main traveled way."

Subsection (b) amends the outdoor advertising effective control provisions and clarifies the present law with respect to signs for the information of the traveling public. It provides that on or after July 1, 1974, or after the expiration of the next regular session of State legislatures, whichever is later, effective control shall mean that signs located beyond 660 feet of the right-of-way and visible from the main traveled way of the system and erected with the purpose of their message being read from the main traveled way shall be limited to directional and official signs and notices including but not limited to signs and notices pertaining to information in the specific interest of the traveling public, such as, but not limited to, signs and notices pertaining to rest stops, camping grounds, food service, gas and automatic service, lodging, natural wonders, scenic and historic attractions. Not more than three such signs facing in the same direction of travel shall be permitted per mile of Interstate or primary highway.

Subsection (c) amends 23 U.S.C. 131(d) relating to signs in areas zoned industrial or commercial in unzoned commercial or industrial areas. Since the present 660 foot limitation would be removed, the authority for erecting approved signs in areas zoned industrial and commercial (now valid within the 660 foot zone) would be extended for the sake of consistency to areas beyond 660 feet.

Subsection (d) amends 23 U.S.C. 131(e) to provide that signs that are not in conformity with State law shall be removed not

later than 5 years after they become nonconforming unless the Secretary determines otherwise. The original act provided that any signs which were lawfully in existence on September 1, 1965, but were not in conformity, cannot be required to be removed before July 1, 1970, and other lawfully erected signs that were nonconforming could not be required to be removed for 5 years.

Subsection (e) amends section 131(f) to expand the present authority of the Secretary to provide standards for the erection along the Interstate System of signs providing specific information for the traveling public to include the same authority with respect to the Federal-aid primary system. A proviso is added that such signs on the Interstate and primary shall not be erected in suburban or urban areas or in lieu of signs permitted under 23 U.S.C. 131(d). Also, such signs shall not be erected where adequate information is provided by signs permitted under 23 U.S.C. 131(c).

Subsection (f) amends 23 U.S.C. 131(g) to provide that just compensation be paid for the removal of all outdoor advertising signs which have been lawfully erected under State law.

Subsection (g) amends 23 U.S.C. 131(m) to provide authorizations of \$50 million for each of the fiscal years 1974, 1975 and 1976, for outdoor advertising control.

Subsection (h) adds two new subsections to 23 U.S.C. 131. The first provides that no directional sign, display or device lawfully in existence on June 1, 1972, which gives specific information to travelers shall be required to be removed until December 31, 1974, or until the State in which the sign, display or device is located certifies that such information advertised thereon may reasonably be available to motorists by some other method or methods, whichever shall occur first. The second provides that the United States shall pay 100 percent of the just compensation for the removal (including all relocation costs) of any sign, display or device which is removed prior to the enactment of this Act which after its removal is lawfully relocated and which is required to be removed again as a result of this amendment. Just compensation would be paid pursuant to this amendment of 23 U.S.C. 136(j), for removing, relocating or disposing of junkyards which were lawfully established under State law.

Subsection (b) authorizes \$15 million out of the Highway Trust Fund for each of the fiscal years 1974, 1975 and 1976, for junkyard control.

Conference Substitute

The conference substitute contains no provisions relating to control of outdoor advertising or junkyards.

The deletion of these provisions should not be construed as discontinuing the programs or affecting the existing law. The present programs remain in effect. It is the expectation of the conferees that the Congress will consider additional authorizations and possible modifications in separate legislation.

The conferees expect that the Secretary will not invoke the 10 percent penalties for failure of the State to comply with the requirements of sections 131 and 136 where such failure is the result of the lack of availability of Federal matching funds.

Urban area traffic operations improvement programs

Senate Bill

No comparable provision.

House Amendment

This section would repeal section 135(c) of title 23 which provides that sums authorized to carry out that section shall be apportioned in accordance with section 104(b) (3) of title 23.

Conference Substitute

This section is the same as the House amendment.

Training programs

Senate Bill

This section extends authorizations in section 140, title 23, for the highway construction training program for three years through fiscal year 1976, \$5 million would be provided for each of the fiscal years 1974, 1975, and 1976.

House Amendment

This section extends authorizations in section 140, title 23, for the highway construction training program for three years through fiscal year 1976. \$10 million would be provided for each of the fiscal years 1974, 1975, and 1976.

Conference Substitute

This section is the same as the House amendment.

Public transportation

Senate Bill

This section amends the section 142 of title 23 to authorize the use of funds apportioned to each State for the Interstate system, extensions of the Federal-aid primary and secondary systems and the Federal-aid urban system to finance the Federal share of the costs of projects for public transportation purposes within urban areas. These funds could be used for the construction in urban areas of exclusive bus lanes, traffic control devices, passenger loading areas and facilities. Urban system funds could be used for the purchase of passenger equipment including fixed rail and for the construction of fixed rail facilities. Interstate funds would not be available for purchase of buses, but are available for exclusive or preferential bus, truck, and emergency vehicle routes or lanes.

Subsection (d) of section 142 of title 23 is repealed, thereby eliminating the requirement that exclusive bus lane projects must be less expensive and more feasible or prudent than additional automobile lanes.

The Federal share of the cost for public transportation projects would be the same as that provided for regular Federal-aid projects.

No bus acquired under this section could be used for charter, lease, sightseeing or other service in any area other than the area for which it was acquired. The Urban Mass Transportation Act of 1964, as amended would apply in carrying out the provisions of this section relating to the purchase of equipment and its use within urban areas unless the Secretary determines that provisions of Title 23 of the United States Code would be more appropriate.

Buses purchased under this section would have to meet emission standards prescribed by the Environmental Protection Agency under Section 202 of The Clean Air Act and Section 6 of the Noise Control Act and must meet, wherever practicable, special criteria for low emission vehicles set forth in Section 212 of the Clean Air Act and section 15 of the Noise Control Act. The Urban Mass Transportation Act of 1964, as amended, relating to planning and design of mass transit facilities to meet the special needs of the elderly and the handicapped and applying to the purchase and use of equipment within urban areas, would apply in carrying out this section.

Funds available under this section would be supplementary to and not in substitution for funds authorized and available for obligation pursuant to the Urban Mass Transportation Act of 1964, as amended.

The Secretary could authorize any State to make lands within the publicly acquired rights of way of any Federal-aid highway

available without charge to a publicly owned mass transit authority.

House Amendment

This section would authorize the use of funds apportioned to each State for the Federal-aid systems to finance the Federal share of the costs of projects for highway public transportation purposes. Included within its scope would be construction of exclusive bus lanes, traffic control devices, passenger loading areas and facilities. Where sufficient land exists within any Federal-aid rights-of-way to accommodate needed rail or nonhighway public mass transit programs without impairing automotive safety or future highway improvements, the Administrator may, if he deems it in the public interest, authorize a State to make such lands available without charge to a publicly owned mass transit authority for such purposes.

Subsection (b) would permit the use of funds apportioned for the Interstate System to finance the Federal share of projects for exclusive or preferential bus, truck, and emergency vehicle routes or lanes. Projects under this section could be constructed to less than four lanes as now required by law.

Subsection (c) of this section would provide that if local officials of an urbanized area notify the State highway department that in lieu of a highway project paid from funds apportioned for the urban system they desire to fund a mass transit project involving construction of fixed rail facilities, or purchase of passenger equipment, including rolling stock for any mode of mass transit, and such project is in accordance with the planning process under section 134 of this title, plans may be submitted for approval to the Secretary. Approval of the plans, specifications, and estimates for such project would constitute a contractual obligation for payment of the Federal share of the cost of the project from general funds of the Treasury. Funds previously apportioned to the State for the urban system would be reduced by an amount equal to the Federal share of such mass transit projects. No assistance would be provided under this subsection for the purchase of buses to any State or local public body or agency thereof which engages in charter bus operations in competition with private operators outside the urbanized area within which the public body or agency provides mass transit service.

The establishment of routes and schedules of public mass transportation systems financed under this section shall be in accordance with the planning process under section 134 of this title. No project under this section would be approved unless the Secretary is assured that the mass transit systems would have adequate ridership to fully utilize the proposed project. The Federal share payable on account of any project under this section would be that provided in section 120 of this title.

No financial assistance would be provided under this section to any State or local public body or agency thereof which engages in the transporting of school children and school personnel to and from school and school related functions in competition with or supplementary to the service currently provided by a private transportation company, or other person, provided that such company or person provides adequate transportation at reasonable rates, and in conformance with applicable safety standards. This subsection would not apply if the State or local body was engaged in transporting school children or personnel during the 12-month period prior to the date of enactment of this subsection.

Subsection (i) would insure that a non-supervisory employee of a publicly-owned mass transit system, not otherwise subject to the limitations on political activity of the

Hatch Act, is not merely by virtue of assistance to transit systems under this section, restricted in his political activity at the Federal, State or local level.

Subsection (j) provides that funds made available under subsection (c) of this section would be supplementary to and not in substitution for funds authorized under the Urban Mass Transportation Act.

Subsection (k) would insure that the provisions of section 3(e) (4) of the Urban Mass Transportation Act would apply in carrying out subsection (c) of this section.

Conference Substitute

This section is an amalgam of the Senate and House provisions and would permit the Secretary to approve as a project on any Federal-aid system the construction of exclusive or preferential bus lanes, highway traffic control devices, bus passenger loading areas and facilities (including shelters) and fringe and transportation corridor parking facilities. In addition, beginning with funds authorized for fiscal year 1975, the Secretary may approve as a project on the urban system the purchase of buses, and beginning with funds authorized for fiscal year 1976 for the urban system, the Secretary may approve projects for the construction, reconstruction, and improvement of fixed rail facilities including the purchase of rolling stock for fixed rail. Not more than \$200,000,000 of urban system funds for fiscal year 1975 are to be expended for the Federal share of projects for the purchase of buses.

Subsection (c) of the House amendment is retained, but its application is restricted to the fiscal years 1974 and 1975. Each State highway department shall submit to the Secretary each non-highway public mass transit project submitted to such department under this section by local officials, together with its determination with respect to such project under the section 134 planning process including its entitlement to priority.

In addition, the Secretary shall not approve any project for buses and rail facilities in any fiscal year when there has been enacted an urban transportation trust fund or similar assured funding for both highways and public transportation.

Provisions of the House amendment and the Senate bill relating to charter bus and school bus operations and the applicability of the Clean Air Act, Noise Control Act, and protections for the elderly and the handicapped are treated as separate provisions in the conference report.

Economic growth center development
highways

Senate Bill

No comparable provision.

House Amendment

Subsection (a) would expand 23 U.S.C. 143 to allow the designation on any Federal-aid system other than the Interstate System of an economic growth center development highway. Present law now restricts such development highways to Federal-aid primary roads. The economic growth center development highways program is also made a permanent program rather than a demonstration project. The provisions applicable to highways of the Federal-aid system on which such development highway is located shall be applicable to development highways and to funds authorized for such highways except those which the Secretary determines are inconsistent with section 143.

Subsection (b) would amend 23 U.S.C. 143(e) to provide that the Federal share of the cost of construction of any development highway shall be the same as that provided for any other project on the Federal-aid system on which such development highway is located, thus converting the existing supplemental grant program to a basic grant program.

Subsection (c) contains a technical amendment to 23 U.S.C. 143(a) by eliminating language which states that the economic growth center development highway program is a demonstration program.

Conference Substitute

This section is the same as the House amendment.

Funds authorized for fiscal years 1972 and 1973 for the economic growth center development highway demonstration program which have not been obligated shall be available for obligation for the full Federal share of projects for which plans, specifications, and estimates are approved subsequent to enactment of this section.

Federal-State relationship

Senate Bill

No comparable provision.

House Amendment

This section adds a new section to chapter 1 of title 23 which declares that the authorization of Federal funds or their availability for expenditure under such chapter shall not infringe on the sovereign rights of the States to determine the projects to be federally financed, and that provisions of chapter 1 provide for a federally-assisted State program.

Conference Substitute

This section is the same as the House amendment.

Bicycle transportation and pedestrian walkways

Senate Bill

Under new section 145, Title 23, sums apportioned for the Federal-aid highway systems are made available for the development and improvement of bicycle transportation, equestrian trails and pedestrian walkways located on or in conjunction with highway rights-of-way.

Funds could be used to finance the Federal share of the cost of constructing separate or preferential bicycle lanes or paths, bicycle traffic control devices, bicycle shelters and parking facilities, pedestrian walkways, and equestrian trails. Projects to be authorized under this program would have to be located and designed according to an overall plan providing for safety and for contiguous routes.

Funds authorized and appropriated for forest highways, forest development roads and trails, parkways, Indian reservation roads and bridges and public lands highways would also be available for carrying out the provisions of this section at the discretion of the Department charged with the administration of such programs.

No motorized vehicle would be permitted on trails and walkways authorized under this section except for maintenance purposes.

House Amendment

This section would permit the use of sums apportioned for the primary, secondary, urban extension, and urban systems to construct, in conjunction with Federal-aid highway projects, separate or preferential bicycle lanes, bicycle traffic control devices, shelters and parking facilities to serve bicycles and persons using bicycles.

This section would also permit the use of funds authorized for forest highways, forest development roads and trails, parkways, Indian reservation roads and bridges, public lands highways, and public lands development roads and trails, for constructing bicycle routes in conjunction with such trails, roads, highways, or parkways.

No motorized vehicles would be permitted on the trails except for maintenance purposes, and when snow conditions permit, snowmobiles.

Conference Substitute

This section is the same as the House amendment except as follows:

(1) Pedestrian walkways are included within the scope of the provision.

(2) The obligation level is set at not more than \$40 million in any fiscal year with no State to obligate more than \$2 million for any such projects in any fiscal year.

(3) Bikeways financed under this section may utilize available land not on the highway right-of-way so long as the bike route accommodates bicycle traffic which otherwise would have used the Federal-aid route. The location, design, and construction of bikeways shall take into consideration maximum safety of persons using such bikeways.

Special urban high density traffic program

Senate Bill

This section adds a new section 147 to title 23 authorizing \$50 million for each of the fiscal years 1974 and 1975 for the construction of special highways connected to the Interstate System in portions of urbanized areas with high traffic density. The Federal share for any project under this section could not exceed 90% of the cost of construction.

The Secretary would develop guidelines for designation of routes and allocation of funds according to several criteria. Routes selected could be no more than 10 miles long, would have to serve areas of concentrated population and heavy traffic congestion, would have to meet the urgent needs of commercial, industrial, airport, or national defense installations, and would have to connect with existing routes on the Interstate System. Any route selected would have to be approved through the section 134 planning process and could be designated only if the Secretary determines that no other feasible or practicable alternative mode of transportation would be available. Designation of routes would have to comply with section 138 of title 23 regarding parkland preservation and no route could be approved which substantially damaged or infringed upon any residential area. The Secretary could designate no more than one route in each State and would base his designation upon the recommendation of State and responsible local officials.

House Amendment

This section adds a new section to chapter 1 of title 23 which would authorize \$100 million for each of the fiscal years 1974, 1975 and 1976, for special highways connected to the Interstate System in portions of urbanized areas with high traffic density. The Federal share for any project under this section could not exceed 90 percent of the cost of construction.

The Secretary would develop guidelines for designation of routes and allocation of funds to include several criteria. Routes selected could be no more than 10 miles long, would have to serve areas of concentrated population and heavy traffic congestion, the urgent needs of commercial, industrial or national defense installations, and would have to connect with existing routes on the Interstate System. Any route selected would have to be approved through the section 134 planning process and could be designated only if the Secretary determines that no other feasible or practicable alternative mode of transportation would be available. Designation of routes would have to comply with section 138 of title 23 regarding parkland preservation and no route could be approved which substantially damaged or infringed upon any residential area. The Secretary could designate no more than one route in each State and would base his designation upon the recommendation of State and responsible local officials. Routes must be on the Federal-aid system prior to designation.

Conference Substitute

This section is the same as the House amendment except as follows:

(1) The authorization is established at \$50 million per fiscal year, and

(2) The requirement that a route designated under this section must be on a Federal-aid system prior to such designation is revised to strike the words "prior to such designation."

Priority primary routes

Senate Bill

No comparable provision.

House Amendment

This section adds a new section to chapter 1 of title 23 to provide for the selection of not more than 10,000 miles of high traffic sections of highway which are on the Federal-aid primary system and connect to the Interstate System. Such sections are to be selected for priority of improvement in consultation with appropriate local officials and subject to the Secretary's approval. The Federal share of such projects shall be the same as the Federal share on other primary routes as provided in 23 U.S.C. 120(a) and the provisions of title 23 which are applicable to the Federal-aid primary system shall be applicable to the priority primary routes. Funds authorized for such routes shall be deemed to be apportioned on January 1 next preceding the commencement of the fiscal year for which authorized. A report to Congress on selection of routes and their estimated costs shall be made on or before July 1, 1974. Three hundred million dollars is authorized out of the Highway Trust Fund for each of the fiscal years 1974, 1975, and 1976, for carrying out the priority primary route program.

Conference Substitute

This is the same as the House amendment except that the 10,000 mile limitation on the system is eliminated and the authorization level is \$100 million for fiscal 1974, \$200 million for 1975 and \$300 million for fiscal 1976. It is the expectation of the conferees that the event of this system will be about 10,000 miles.

Alaska Highway

Senate Bill

This section adds a new section 217 to title 23 and authorizes \$58,670,000 for reconstructing the Alaska Highway from the Alaskan border to Haines Junction in Canada, and reconstructing the Haines Cutoff Highway from Haines Junction to the south Alaskan border.

House Amendment

This section adds a new section to chapter 2 of title 23 to authorize \$58,670,000 for reconstructing the Alaska Highway from the Alaskan border to Haines Junction in Canada, and reconstructing the Haines Cutoff Highway from Haines Junction to the south Alaskan border.

Conference Substitute

This section is the same as the Senate bill and the House amendment.

Bridges on Federal dams

Senate Bill

This section provides increased authorization of \$8.5 million to finance the construction of two bridges on Federal dams on the Arkansas and Tennessee Rivers located in the vicinities of Fort Smith, Arkansas, and Chattanooga, Tennessee, respectively.

House Amendment

This section would provide an increased authorization of \$8.5 million to finance the construction of two bridges on Federal dams located in the vicinity of Fort Smith, Arkansas, and Chattanooga, Tennessee.

Conference Substitute

This section is the same as the Senate bill.

Great River Road

Senate Bill

No comparable provision.

House Amendment

This section provides construction funds of \$20 million for each of the fiscal years 1974, 1975, and 1976, out of the Highway Trust Fund, to be matched on an 80% Federal and 20% State ratio. These funds will be applied on those portions of the Great River route on Federal-aid highways.

An additional \$10 million for each of the fiscal years 1974, 1975, and 1976, is authorized out of the general fund. Those sections of the route on Federal lands will be entirely paid for by Federal funds.

One hundred thousand dollars will be apportioned to the 10 States bordering the Mississippi for planning.

Conference Substitute

This section is the same as the House amendment with the following changes:

(1) Subsection (a) relating to Congressional findings and purpose is eliminated.

(2) The Federal share of the cost of any project shall be that provided in section 120 of title 23 for the Federal-aid system on which the project is located and if the project is not on a system the Federal share shall be 70 percent.

(3) The authorization is provided at not to exceed \$10,000,000 for fiscal year 1974, and \$25,000,000 for each of the fiscal years 1975 and 1976.

Alaskan assistance

Senate Bill

This section amends the special Alaskan Highway authorization in the Federal-aid Highway Act of 1966 by providing \$20 million from the Highway Trust Fund for each of the fiscal years 1974, 1975, and 1976. These funds are limited to Federal-aid highway projects.

House Amendment

The special Alaskan highway authorization in the Federal-aid Highway Act of 1966 is amended by providing \$20 million from the Highway Trust Fund for each of the fiscal years 1974, 1975, and 1976. These funds are limited to Federal-aid highway projects.

Conference Substitute

This section is the same as the Senate bill and the House amendment.

Route 101 in New Hampshire

Senate Bill

No comparable provision.

House Amendment

The State of New Hampshire would be permitted to repay all Federal-aid highway funds paid on account of certain sections of Route 101 in the State of New Hampshire prior to the collection of any tolls on such sections. Upon such repayment, the Federal-aid projects for which such funds have been repaid and any other Federal-aid projects located on the sections involved and programmed for expenditure on any such project, shall be credited to the unprogrammed balance of Federal-aid highway funds of the same class which were last apportioned to the State of New Hampshire. Such amount shall be in addition to all other funds apportioned to the State and shall be available for expenditure in accordance with title 23. Upon repayment of Federal-aid highway funds and cancellation and withdrawal from the Federal-aid highway program of the projects on Route 101, such sections of said route shall become free of any and all restrictions contained in title 23 or any regulations thereunder with respect to the imposition and collection of tolls or other charges thereon or for the use thereof.

Conference Substitute

This section is the same as the House amendment except that the State of New Hampshire would be required to make these

repayments on or before October 1, 1977 and failure to do so within this time would render this provision inoperative.

Freeing interstate toll bridges

Senate Bill

No comparable provision.

House Amendment

This section permits States which have constructed or acquired any interstate toll bridge on the Federal-aid primary system (other than the Interstate System) including approaches, before January 1, 1975, and which before that date, have caused the bridge to be made free, to use funds apportioned to it for the primary system and for extensions of the primary system within urban areas to pay the Federal share of a project of (1) such amount as the Secretary determines to be the reasonable value of the bridge after deducting the portion of such value attributable to any previous grant or Federal contribution in connection with its construction or acquisition, exclusive of rights-of-way, or (2) the amount by which the principal amount of outstanding unpaid bonds or other obligations created and issued for the construction or acquisition of such bridge exceeds the amount of funds accumulated or provided for their amortization on the date the bridge is made free, whichever is the lesser amount.

Conference Substitute

This section is the same as the House amendment.

Study of toll bridge authority

Senate Bill

This provision requires the Secretary of Transportation to undertake a study of existing laws and regulations governing toll bridges over navigable waters of the United States for the purpose of determining what action can and should be taken to assure just and reasonable tolls nationwide.

The Secretary is required to establish regulations to implement his responsibilities regarding rates of tolls under the General Bridge Act of 1946.

House Amendment

This provision would require the Secretary to undertake a study of existing laws and regulations governing toll bridges over navigable waters of the United States for the purpose of determining what action can and should be taken to assure just and reasonable tolls nationwide. A report to Congress is required by July 1, 1974, except in the case of the toll bridge at Chester, Illinois, a report to Congress is required by December 31, 1973.

Conference Substitute

Subsection (a) of this section is the same as the House amendment. Subsection (b) requires the Secretary of Transportation to promulgate regulations establishing guidelines governing any increases in tolls for use of any bridge constructed pursuant to the General Bridge Act of 1906 or the General Bridge Act of 1946.

National scenic highway system study

Senate Bill

No comparable provision.

House Amendment

The Secretary is directed to make a full and complete investigation and study to determine the feasibility of establishing a national system of scenic highways to link together and make more accessible recreational, historical, scientific and other similar areas of scenic interest and importance. In such investigation and study, the Secretary shall cooperate and consult with other agencies of the Federal Government, the Commission on Highway Beautification, the States and their political subdivisions and other interested

private organizations, groups, and individuals. The Secretary shall report his findings and recommendations to the Congress by July 1, 1974, including an estimate of the cost of such program. This section authorizes \$250,000 from the Highway Trust Fund to carry out this program.

Conference Substitute

Subsection (a) of this section is the same as the House amendment. Subsection (b) of this section requires the Secretary of Transportation to make a full and complete investigation and study to examine problems of user access to parks, recreation areas, historic sites and wildlife refuges. The finding and recommendations is to be submitted to Congress not later than January 1, 1975, including estimated costs of implementing any suggested programs.

District of Columbia

Senate Bill

No comparable provision.

House Amendment

This section exempts any segment of the Interstate System within the District of Columbia from the coverage of an 1893 Act (27 Stat. 532), as amended, relating to highways in the District of Columbia.

Conference Substitute

This is the same as the House amendment.

Corridor hearings

Senate Bill

No comparable provision.

House Amendment

This section requires the Secretary of Transportation to withhold any further action on Interstate Route I-287 between Montville and Mahwah, New Jersey, and on the Corporation Freeway in Winston-Salem, North Carolina, until new corridor hearings are held.

Conference Substitute

This is the same as the House amendment except that the new corridor hearings shall be held and reports thereon be made no later than one year after the date of enactment of this section.

Interstate System

Senate Bill

This section amends subsection (e) of section 103 of title 23 to provide that, at the joint request of a State Governor and the local government concerned, the Secretary can withdraw his approval of any Interstate segment, if he finds that a route is not essential to complete a unified and connected system within a State. Dollar-for-dollar substitution of the substitute essential connection would be permitted without restriction on length, and the existing 200 mile total limit for substitute routes would be repealed.

The cost of withdrawn Interstate mileage for any project would be the maximum Federal cost allowed for any substitute project. If no substitute essential connection is necessary, or if the cost of substitute mileage is less than the cost of the original route, the total amount or difference in amount would be available, in the urbanized area from which the non-essential route was withdrawn, for use on the urban system or for local public transportation purposes under section 142 of title 23 United States Code. Any costs incurred by reason of the development of the project withdrawn would be deducted from such amounts. Any mileage from a route or portion thereof which is withdrawn from designation and not replaced may be redesignated elsewhere as part of the Interstate System.

Costs would be that as of the date of withdrawal. In approving substitute mileage, the

Secretary would be required to "assure", rather than "give due regard to", connectivity of Interstate routes and extensions of routes which terminate within municipalities served by a single Interstate route, so as to provide through traffic service.

House Amendment

Subsection (a) (1) of this section eliminates the 200-mile limitation on additions to the Interstate System contained in the Cramer-Howard amendment. The subsection would leave the mileage open-ended as necessary for making modifications to the System.

Subsection (a) (2) of this section further amends the Cramer-Howard amendment to provide that the costs to the United States of the aggregate of all substitute mileage and mileage for modifications shall not exceed the cost of the aggregate of all mileage which is not to be constructed and is withdrawn as nonessential, as such cost is reflected in the 1972 Interstate System cost estimate rather than the 1968 estimate.

Subsection (a) (3) amends the Cramer-Howard amendment to require the Secretary in considering substitute routes and modifications to give "preference, along with due regard for interstate highway type needs on a nationwide basis," to routes in States in which other routes were or hereafter are withdrawn and extension of routes which terminate within cities served by a single Interstate route, so as to provide traffic service entirely through such cities.

Subsection (b) provides that upon the joint request of a State Governor and the local governments concerned, the Secretary may withdraw his approval of an Interstate route if the route is not essential to completion of a connected system and if the State does not intend to construct a toll road in the corridor which would be served by such route. The mileage withdrawn shall be available for designation on the Interstate System in another State. After the Secretary has withdrawn his approval, whenever responsible local officials notify the highway department that, in lieu of a highway, their needs require a nonhighway public mass transit project involving fixed rail or purchase of rolling stock and such project is in accordance with section 134 of this title, plans shall be submitted to the Secretary for approval.

Approval of plans, specifications and estimates shall be deemed a contractual obligation of the United States for payment out of the general fund of its proportional share of the cost of the project in an amount equal to the federal share which would have been paid for the withdrawn route. Funds previously apportioned to the State for the Interstate System shall be reduced by an amount equal to such federal share. No project would be approved unless the Secretary receives assurances that the public mass transportation systems would have adequate capability to fully utilize the proposed project.

Conference Substitute

This is the same as the House amendment except that the 200-mile limit is raised to 500 miles rather than made open-ended, and clarifying changes are made in the proposed new subsection (e) (4) of section 103 of title 23, U.S. Code. In the administration of section 103(e) (2) and (4), the Secretary shall make sure all options under these provisions are considered.

Public mass transportation studies

Senate Bill

No comparable provision.

House Amendment

This section authorizes \$75 million out of the General Fund to evaluate the public mass transportation portion of the 1972 National Transportation Report submitted by the Secretary. The evaluation would be submitted to the Congress not later than July

1, 1974 by the Secretary and would be conducted in cooperation with the governors and appropriate local officials. Items to be included in the evaluation are listed in the Act.

Conference Substitute

This section is the same as the House amendment except for the following changes:

(1) The authorization has been reduced to \$10 million, and

(2) the mass transportation tax study contained in the Senate bill has been retained as a separate subsection in this section.

Mass transportation tax study

Senate Bill

This section requires the Secretary of Transportation to conduct a study of revenue mechanisms, including fuel taxes on urban mass transportation services, which could be used to finance the transportation activities receiving financial assistance from the Highway Trust Fund. The report on this study is to be submitted by July 1, 1974.

House Amendment

No comparable provision.

Conference Substitute

This provision of the Senate bill is contained as a separate subsection in the section dealing with the public mass transportation evaluation.

Ferry operations

Senate Bill

This section amends 23 U.S.C. 129(g) (5) to allow ferries financed under Title 23 to travel in international waters between the islands which comprise the State of Hawaii, between any two points in Alaska, or between the States of Alaska and Washington.

House Amendment

This section would permit federal assistance for the construction of ferry boats for operation in international waters between the islands in Hawaii, between any two points in Alaska, and from Alaska to the State of Washington.

Conference Substitute

This section is the same as the Senate bill and the House amendment.

Metro accessibility to the handicapped

Senate Bill

This authorizes Secretary of Transportation to make payments of \$65 million to the Washington Metropolitan Area Transit Authority to finance the cost of providing necessary facilities so that the subway and transit system being constructed in Washington, D.C. and environs could be made accessible to the handicapped through the implementation of Public Laws 90-480 and 91-240.

House Amendment

This section authorizes \$65 million to the Secretary of Transportation to make payments to the Washington Metropolitan Area Transit Authority to finance the cost of providing necessary facilities to make the subway and transit system being constructed in Washington, D.C. and environs accessible to the handicapped through the implementation of Public Laws 90-480 and 91-240.

Conference Substitute

This section is the same as the Senate bill and the House amendment except that the Federal share is to be 80 per centum of the costs of these facilities.

Environmental impact statements

Senate Bill

This section directs the Secretary to complete by October 1, 1973, the draft environmental impact statement on Interstate 66 in Virginia from the National Capital Beltway to the Potomac River. The statement would have to be circulated to all interested public agencies for comments within 45 days and a public hearing would have to be held within 45 days after issuance of the required notice.

The Secretary is further required by December 31, 1973, to have completed his consideration and review of all comments and the information resulting from the hearing, to file the final version of the environmental impact statement, and to make the final determination required by law before construction of the project could proceed. The Secretary's determination on all issues of fact would be conclusive.

House Amendment

This section would direct the Secretary to expedite necessary final action on a highway bridge project at the Raritan River on State Highway 18 in New Jersey and another project on I-66 in Arlington and Fairfax Counties in Virginia.

Conference Substitute

This section is the same as the House amendment, which incorporated the Senate provision.

Truck lanes

Senate Bill

No comparable provision.

House Amendment

This section would permit the Secretary to approve as a project on any federal-aid system the construction of exclusive or preferential truck lanes.

Conference Substitute

This is the same as the House amendment. The conferees intend that these lanes may be permitted to be used during non-peak traffic hours by autos.

Highway studies

Senate Bill

This section requires feasibility and necessity studies of five routes proposed for highways to be included in the Interstate System; (1) a route from Brunswick, Georgia, to Kansas City, Missouri; (2) extension of Interstate 70 from Cove Fort, Utah, in a westerly direction; (3) a route from Amarillo, Texas, to Las Cruces, New Mexico; (4) a route from Kansas City, Missouri, to Baton Rouge, Louisiana; (5) a route from Kansas City, Missouri, to Chicago, Illinois; (6) a route from Waterloo, Iowa, to Rockford, Illinois, and an extension of Interstate 74 to Interstate 90; (7) extension of Interstate 27 from Lubbock, Texas, to intersect with Interstate 20 and with Interstate 10.

House Amendment

This section would require a feasibility study for constructing to appropriate standards highways along (1) a route from Brunswick, Georgia, to Kansas City, Missouri, (2) a route from Kansas City, Missouri, to Chicago, Illinois, (3) a route from Amarillo, Texas to Las Cruces, New Mexico, to El Paso, Texas, and (4) a route from Catoosa, Oklahoma, to Interstate Route 35 to Ponca City, Oklahoma.

Conference Substitute

This section is the same as the House provision except that all route studies contained in the Senate bill which were not duplicative of those in the House amendment are included. The term "appropriate standards" includes the highest standards, which may be those of the Interstate System. These studies and reports shall be made in cooperation with the affected States.

Inter-American Highway

Senate Bill

No comparable provision.

House Amendment

This section would authorize an additional \$10,000,000 to liquidate obligations incurred attributable to the construction of the Inter-American Highway.

Conference Substitute

This is the same as the House amendment.

*Donations**Senate Bill*

No comparable provision.

House Amendment

This section adds a new section to chapter 3 of title 23, U.S. Code, to provide that nothing in that title or any other law prevents a person whose real property is being acquired under that title, after he has been tendered just compensation, from making a gift or donation of such property to a Federal agency or a State or State agency as he determines.

Conference Substitute

This is the same as the provision of the House amendment except that, additionally, gifts or donations of property may be made to a political subdivision of a State.

*High-speed transportation demonstration**Senate Bill*

The Secretary is authorized by this section to undertake a demonstration program, with sums from the Highway Trust fund not exceeding \$10 million, for a high-speed bus service from Washington, D.C. to Dulles International Airport. Funds under this program could be used for the purchase of high-speed buses, the construction of exclusive bus lanes, terminals and parking facility, the conduct of research, and, if necessary, the financing of a portion of operating expenses.

House Amendment

No comparable provision.

Conference Substitute

This is the same as the Senate bill except that this is made a study (to be undertaken with administrative funds during fiscal year 1974), as well as a demonstration project. All authority to pay operating subsidies has been deleted, and the authorization level of \$10,000,000 is to come from the urban system funds for fiscal 1975, to be set aside for this purpose prior to apportionment of such funds.

*Rural highway public transportation demonstration program**Senate Bill*

This section authorizes \$30 million during the next two fiscal years to encourage the development of public mass transportation systems on rural highways. Projects eligible for funding would include traffic control devices, passenger loading facilities, fringe and corridor parking facilities to serve mass transportation passengers, and the purchase of passenger equipment other than railroad rolling stock. Equipment purchased under this section would have to meet applicable Federal standards with respect to air pollution, and facilities would have to meet the special needs of the elderly and the handicapped.

House Amendment

No comparable provision.

Conference Substitute

This is the same as the Senate bill, except that the program will begin with funds authorized for fiscal year 1975. This will permit proper project development.

*Federal-aid systems realignment**Senate Bill*

This section requires the realignment by June 30, 1975, of the Federal-aid primary, secondary and urban systems, based upon anticipated functional usage for the year 1980. The primary system would consist of rural arterial routes and their extensions into or through urban areas; the secondary system would consist of rural major collector routes; and the urban system would consist of urban arterial and collector routes, exclusive of extensions of rural arterial routes through urban areas. Access roads to airports would be made eligible for inclusion on the secondary system.

House Amendment

No comparable provision.

Conference Substitute

This section is the same as the Senate bill with the following changes:

(1) The designation of the primary system shall be by each State acting through its State highway department.

(2) The Federal-aid urban system will be located in each urbanized area and such other urban areas as the State highway departments may designate and the routes on this system shall be designated by appropriate local officials with the concurrence of the State highway department and subject to the approval of the Secretary.

(3) The effective date is set at June 30, 1976.

*Toll road reimbursement program**Senate Bill*

New section 146, title 23, authorizes the Secretary to reimburse States after they have received their final apportionment on the Interstate System, for 70% of the construction cost for new toll roads and improvements to existing toll roads. The Federal share would be drawn from funds apportioned to the State for its Federal-aid primary system.

Toll roads built under this program would have to comply with standards approved by the Secretary and would be subject to the same regulations now applicable to other Federal-aid systems. Except for costs of operation and maintenance, all tolls collected from users of these roads would be devoted to retiring obligations incurred by the State for its 30% share.

The Federal 70% share of the cost of toll roads would be payable in not more than 15 equal annual installments from funds apportioned to the State for its Federal-aid primary system. After the Federal share has been fully paid, the highway would be maintained and operated as a free highway as a part of the primary system (or the Interstate System in the case of certain improved toll highways).

House Amendment

No comparable provision.

Conference Substitute

This provision is essentially the same as the Senate bill except as follows:

(1) the provision is limited in its application to the State of Louisiana.

(2) It is not made a part of title 23 of the United States Code.

(3) Any such highway is to be designated as part of the Federal-aid primary system (other than the Interstate System) before payment of any Federal funds under this section.

*Parkways**Senate Bill*

Section 207 of title 23 is amended to permit the acquisition of rights-of-way and related scenic easements from funds available for parkways. The provisions of section 106 (a) of title 23 relating to the obligation of funds would apply to funds available for parkways.

House Amendment

No comparable provision.

Conference Substitute

Subsection (a) of this section is the same as the Senate bill.

Subsection (b) provides that any parkway project on a Federal-aid system shall be subject to all the requirements of title 23 and to any other law applicable to highways on that system.

*Research and planning**Senate Bill*

This section permits the financing of local public transportation planning in addition

to the other planning and research purposes indicated in section 307(c) (1) of title 23.

House Amendment

No comparable provision.

Conference Substitute

This section is the same as the Senate bill except for a clarifying amendment.

*Technical amendments**Senate Bill*

Several minor technical amendments are made to update existing language and correct typographical errors.

House Amendment

No comparable provision.

Conference Substitute

Same as Senate bill.

*Increased Federal share—effective date**Senate Bill*

The Federal share payable on account of any non-Interstate project is increased from 50% to 70% with respect to all obligations incurred after June 30, 1973, except for projects for which Federal funds were obligated on or before that date.

House Amendment

No comparable provision.

Conference Substitute

This section provides that the Federal share payable on account of any non-Interstate project is increased from 50 percent to 70 percent with respect to all obligations incurred after June 30, 1973.

*Termination of Federal-aid relationship**Senate Bill*

This terminates the San Antonio North Expressway as a Federal-aid project and provides for the return of any Federal funds paid to the State of Texas for that project to the United States for reapportionment.

House Amendment

No comparable provision.

Conference Substitute

This section is the same as the Senate bill. This provision does not constitute a precedent for similar future action.

*Highway litter study**Senate Bill*

The Secretary is directed to make a study of litter accumulation within the rights-of-way of Federal-aid highway systems outside of urban areas and to recommend to Congress by December 31, 1973, procedures which the States could use to prevent and clean up such highway litter on a regular basis.

House Amendment

No comparable provision.

Conference Substitute

This section is the same as the Senate bill except that the study would encompass all rights-of-way, not just those outside of urban areas, and the report date is June 30, 1974.

*Bridge approach standards**Senate Bill*

This would amend section 109 of title 23, U.S. Code, to prohibit the Secretary from approving any project which would significantly affect the highway system of a contiguous State without the concurrence of that State.

House Amendment

This section would amend section 106 of title 23, U.S. Code, to prohibit the Secretary from approving the plans, specifications, and estimates for any project to connect the Interstate System with a bridge over Long Island Sound unless the project has been approved by the State legislatures of New York and Connecticut.

Conference Substitute

This section would amend section 109 of title 23, United States Code, to provide that the Secretary shall not approve any project involving approaches to a bridge if such project and bridge will significantly affect the traffic volume and the highway system of a contiguous State without first taking into full consideration the views of that State.

Allocation of urban system funds

Senate Bill

Urban system funds apportioned under title 23 are to be made available to any urbanized area of 400,000 or more population within the State on the basis of population. These funds would be available for expenditure in another urbanized area within such State only where the responsible public officials in both such urbanized areas would agree to such a transfer.

This section would also allow urban system funds to be "passed through" to municipalities of 400,000 or more population, or combinations of municipalities in any urbanized area, where the Secretary finds that such municipality has sufficient authority to develop and implement a plan for expenditure of funds for the urban system and related highway public transportation purposes. Plans would be developed in accordance with the comprehensive, coordinated and continuing transportation planning process required by section 134 of title 23.

House Amendment

No comparable provision.

Conference Substitute

This section would add a new section to title 23, United States Code, to provide that funds apportioned to any State under section 104(b) (6) that are attributable to urbanized areas of 200,000 population or more shall be made available for expenditure in those areas for projects and programs approved under section 105(b) in accordance with a fair and equitable formula developed by the State and approved by the Secretary. This formula shall provide for fair and equitable treatment for incorporated municipalities of 200,000 or more population. If such a formula is not developed and approved, then such funds shall be allocated among such urbanized areas within such State in the ratio that the population within each such urbanized area bears to the population of all such urbanized areas or parts thereof within that State. In expending funds allocated under the preceding provision, fair and equitable treatment shall be accorded municipalities of 200,000 or more population.

Franconia Notch, New Hampshire

Senate Bill

This provides that for the purpose of facilitating the construction of the Interstate System in rural areas, where a segment not more than 12 miles in length is needed to develop a connected system, where this segment will increase safety and assist in the social and economic development of a rural area, and where a State formally requests it and the Secretary has postponed construction, then it is the sense of Congress that the Secretary shall reconsider the request of the State to approve construction of the segment as a parkway.

House Amendment

No comparable provision.

Conference Substitute

This section would authorize the Secretary of Transportation upon application of the Governor of the State to approve construction of a specified portion of Interstate Route 93 North Woodstock to Franconia, New Hampshire, approximately twelve miles in length, as a parkway-type highway, to geometric and construction standards which the Secretary determines necessary for the safety of the traveling public, for the protection of the environment, and for the pres-

ervation of the park-like and historic character of the Franconia Notch area adjacent to the highway. The State is authorized to permit, with the concurrence of the Secretary, the use of this section of the highway by specified types of vehicles during specified times of the day and of the year.

Dwight D. Eisenhower Highway

Senate Bill

This would designate certain specified segments of the Interstate system forming a continuous interstate highway link from coast to coast as the "Dwight D. Eisenhower Highway".

House Amendment

No comparable provision.

Conference Substitute

This section is the same as the Senate bill.

Cumberland Gap National Historical Park

Senate Bill

This section makes parkway funds available for the relocation of Route 25E through a tunnel to be constructed in the Cumberland Gap National Historical Park so as to restore and preserve the Gap and provide adequate traffic capacity.

House Amendment

No comparable provision.

Conference Substitute

This section is the same as the Senate bill.

Highland Scenic Highway

Senate Bill

This section provides for the construction of the Highland Scenic Highway from West Virginia State Route 39 to U.S. 250 near Barton Knob, West Virginia, as a parkway.

House Amendment

No comparable provision.

Conference Substitute

Except for technical and qualifying amendments this is the same as the Senate bill.

Prohibition of discrimination on basis of sex

Senate Bill

No comparable provision.

House Amendment

This section prohibits discrimination on the ground of sex on any program or activity receiving federal assistance or carried on under title 23, United States Code.

Conference Substitute

Except for technical amendments this is the same as the House amendment.

Railroad relocation demonstration

Senate Bill

This section authorizes \$13.55 million to carry out demonstration projects in Lincoln, Nebraska; Wheeling, West Virginia; Elko, Nevada; and Brownsville, Texas, for the relocation of railroad lines from the central city to eliminate a substantial number of railway-road grade crossings within those cities. A general study of the relocation of rail lines from the central area of cities on a nationwide basis is also authorized with a report by July 1, 1975.

House Amendment

This section authorizes the Secretary to carry out 10 rail-highway demonstration projects in the following cities throughout the nation: Springfield, Illinois; Lincoln, Nebraska; Brownsville, Texas; E. St. Louis, Illinois; Carbondale, Illinois; New Albany, Indiana; Dolton, Illinois; Blue Island, Illinois; Elko, Nevada; Greenville, Texas. The Secretary is required to report to the President and the Congress with respect to his activities under this section. A total of \$36.3 million is provided out of the Highway Trust Fund and \$54.8 million out of the general funds in the Treasury for these projects. A similar section authorizes a demonstration project for an underpass in Anoka, Minnesota.

Conference Substitute

This section authorizes all of the demonstration projects contained in both the Senate bill and the House amendment except that there is a general authorization for carrying out this section at not to exceed \$15,000,000 for fiscal year 1974, \$25,000,000 for fiscal year 1975, and \$50,000,000 for fiscal year 1976 except that two-thirds of all funds authorized and expended under this section in any fiscal year are to be appropriated from the Highway Trust Fund. The study contained in the Senate bill is retained.

Financial assistance agreements

Senate Bill

The Senate bill revision of section 142 contains in subsection (e) a requirement that no equipment acquired with financial assistance under this section is to be available for use in charter, leased, sightseeing, or other service in any area other than the area for which it was acquired.

House Amendment

The House amendment contains in several sections prohibitions against financial assistance to an applicant for the purchase of buses if that applicant after the date of enactment of the subsection is engaged or proposes to engage, directly or indirectly, in charter bus operations in competition with private bus operators outside the urbanized area within which the applicant provides mass transportation service. In addition no financial assistance is to be provided to an applicant which engages, directly or indirectly, in transporting school children and personnel to and from school and school authorized functions or which proposes to expand present routes, schedules, or facilities for that purpose in competition with or supplementary to service criteria provided by a private transportation company or other person so engaged in so transporting such children and personnel. This is not to apply unless the private transportation company is able to provide adequate transportation at reasonable rates and safely and is not to apply to an applicant which was so engaged any time during the year preceding the date of enactment of the subsection.

Conference Substitute

The conference substitute provides that no Federal financial assistance shall be provided under (1) section 142 (a) or (c) of title 23, United States Code, (2) section 103(e) (4) of title 23, United States Code, or (3) the Urban Mass Transportation Act of 1964 for the purchase of buses to any applicant unless the applicant and the Secretary of Transportation have entered into an agreement that the applicant will not engage in charter bus operations in competition with private bus operators outside the area in which the applicant provides regularly scheduled mass transportation service. In addition, no Federal financial assistance is to be provided under those provisions of law for the purchase of buses to any applicant who has not first entered into an agreement with the Secretary of Transportation that the applicant will not engage in school bus operations in competition with private school bus operators. This subsection is made inapplicable to any applicant with respect to the operation of a school bus program if the applicant operates a school system in the area to be served and operates a separate and exclusive school bus program for this school system. The same requirements are made that private operators of school buses be able to provide adequate transportation at reasonable rates and safely and that it is inapplicable to a State, local body, or agency which was so engaged in school bus operations during the 12-month period immediately prior to the date of enactment of this subsection. This subsection is not applicable to the transportation of school children along with other passengers by regularly

scheduled bus service at either full or reduced fares.

A violation of these requirements shall bar the applicant from receiving any other Federal financial assistance under these provisions of law.

Bus and other project standards

Senate Bill

The Senate bill provides in its revision of section 142 of title 23 of the United States Code that equipment acquired under that section must meet EPA standards under section 202 of the Clean Air Act and section 6 of the Noise Control Act of 1972 and, wherever practicable, the equipment must meet special criteria for low-emission vehicles and for low-noise-emission products. This revision also required that the planning and design of mass transportation facilities must be such as to meet special needs of the elderly and handicapped. Equivalent provisions of this nature are contained in the section relating to the Rural Highway Public Transportation Demonstration Program.

House Amendment

No comparable provision.

Conference Substitute

This provision in the conference substitute is the same as the Senate bill except that it is a separate section and it has been made applicable to sections 142 (a) and (c) and 103(e) (4) of title 23, United States Code, and section 147 of the conference substitute (Rural Highway Public Transportation Demonstration Program).

Use of interstate system right-of-way

Senate Bill

No comparable provision.

House Amendment

This would amend section 111 of title 23, U.S. Code, to allow the State highway department to permit small food service establishments to operate at rest stop areas along the Interstate System right-of-way.

Conference Substitute

No comparable provision.

Participation in TOPICS and fringe parking programs

Senate Bill

No comparable provision.

House Amendment

This section requires the Secretary of Transportation to take such action as he deems necessary to facilitate broad participation by States in TOPICS programs and fringe and corridor parking facility projects.

Conference Substitute

No comparable provision.

Application to urban system of certain controls

Senate Bill

No comparable provision.

House Amendment

This section amends the description of the Federal-aid urban system to make the provisions of chapters 1, 3 and 5 of title 23 that are applicable to Federal-aid primary highways applicable to the Federal-aid urban system unless the Secretary determines them to be inconsistent with this subsection. The provisions of title 23 relating to control of outdoor advertising, junkyard control and scenic enhancement are, however, made specifically applicable to the Federal-aid urban system and the Secretary may not determine such section to be inconsistent with subsection 103(d) of title 23, U.S.C.

Conference Substitute

No comparable provision. The conferees look to the Commission on Highway Beautification to advise the Congress on the application of the controls required under section 131 to the Federal-aid urban system.

Prohibition of impoundment

Senate Bill

This section would prohibit the impoundment of sums authorized to be apportioned by section 104 of title 23, U.S. Code, which have been appropriated by Congress except specific sums determined by the Secretary of the Treasury as necessary to meet future expenditures from the Highway Trust Fund.

House Amendment

No comparable provision.

Conference Substitute

No comparable provision. The fact that this section of the Senate bill is not contained in the conference substitute shall not be construed to indicate anything other than complete agreement with the decision of the United States Court of Appeals for the Eighth Circuit in the case of the State Highway Commission of Missouri v. John A. Volpe, Secretary of Transportation of the United States, et al.

Access highways to public recreation areas on Federal lakes

Senate Bill

The new section authorizes \$15 million for each of the 1974, 1975, and 1976 fiscal years for the construction of access highways to public recreation areas on Federal lakes. Such routes could not be longer than 35 miles, must connect with a highway on a Federal-aid system, and would be designated by the Secretary on the recommendation of State and local officials.

House Amendment

No comparable provision.

Conference Substitute

No comparable provision.

Preservation of parklands

Senate Bill

This section amends section 138, title 23, regarding parkland preservation, to include publicly-owned water recreation areas and historic water areas of national, state or local significance, as well as public lands.

House Amendment

No comparable provision.

Conference Substitute

No comparable provision.

Public hearings

Senate Bill

This section requires that, when plans are submitted for a Federal-aid project, the State highway department must provide assurance that it has taken steps to ensure and foster public participation in the development of such project before and after the required public hearings.

House Amendment

No comparable provision.

Conference Substitute

No comparable provision.

Programs

Senate Bill

This section amends section 105 of title 23, United States Code, relating to programs for projects on the Federal-aid system to substitute the State Governor for the State highway department in subsections (a), (b), and (g).

House Amendment

No comparable provision.

Conference Substitute

No comparable provision.

Public transportation in National Forests and Parks

Senate Bill

By amendments to sections 204 and 206, title 23, funds authorized for forest highways and park roads and trails are made available for the purchase of buses as well as for

the construction of passenger loading facilities and parking areas, in order to provide interpretive and shuttle transportation services in national parks and forests as an alternative to private automobile transportation.

House Amendment

No comparable provision.

Conference Substitute

No comparable provision.

Fringe and corridor parking facilities

Senate Bill

Section 137 of title 23 is amended to allow the construction of publicly owned parking facilities in the central business district and the imposition of parking fee rates necessary to finance the liquidation of bonds or other obligations incurred in financing the local share of constructing such facilities, as well as financing the costs of maintenance and operation now authorized by law.

House Amendment

No comparable provision.

Conference Substitute

No comparable provision.

Payment to States for bond retirement

Senate Bill

Under present law, any State which issues bonds and uses the proceeds to construct projects on the Federal-aid primary or Interstate Systems, or extensions of any of the Federal-aid highway systems in urban areas, may use any sums apportioned to it for expenditure on such system to aid in the retirement of the principal of such bonds at maturity. This section authorizes, in the case of the Interstate System, repayment to the States of an amount equal to the interest in addition to the principal of such bonds.

House Amendment

No comparable provision.

Conference Substitute

No comparable provision.

Transportation planning in certain areas

Senate Bill

Section 134 of title 23 is amended to (1) require that States take reasonable measures to permit, encourage and assist public participation in the urban transportation planning process and (2) require the Secretary to develop minimum guidelines for such participation. These guidelines must include annual public hearings to review the planning process, plans and programs, and opportunity provided for consideration of alternative modes of transportation at such hearings. Noncompliance with these provisions by any urbanized area would result in the Secretary's disapproval of all Federal-aid highway projects within such urbanized area.

House Amendment

No comparable provision.

Conference Substitute

No comparable provision.

TITLE II

Introductory

The bill before the Conferees was S. 502, Title II of which, in the House bill, was the Highway Safety Act of 1973. The Senate also passed separate highway safety legislation, S. 893, which contained many provisions similar to those in the House passed bill, S. 502. The words "No provision" in various sections of the Statement of Managers relating to the Senate bill are not intended to convey the absence of Senate legislation, only that S. 893 was not technically in the Conference.

With respect to any apportionment of funds authorized in Title II, except as provided in section 401, if no time is prescribed for the making of such apportionment, then such apportionment shall be made in accord-

ance with the time prescribed in section 104(b) of title 23, U.S. Code.

Short title

Senate Bill

No provision.

House Amendment

This section provides that this title may be cited as the "Highway Safety Act of 1973."

Conference Substitute

Same as House provision.

Highway safety

Senate Bill

No provision.

House Amendment

This section authorizes the appropriation out of the Highway Trust Fund of \$200 million for fiscal year 1974, and \$300 million for each of fiscal years 1975 and 1976, for carrying out section 402 of title 23 and \$115 million for each of fiscal years 1974, 1975 and 1976 for carrying out section 403 programs by the National Highway Traffic Safety Administration.

It further authorizes the appropriation out of the Highway Trust Fund of \$35 million for carrying out section 402 of title 23 for fiscal year 1974, and \$45 million for each of fiscal years 1975, and 1976 and \$10 million for each of fiscal years 1974, 1975, and 1976 for carrying out sections 307(a) and 403 of title 23 by the Federal Highway Administration.

Conference Substitute

This is the same as the House amendment except as follows:

(1) The authorization for section 402 to be carried out by the National Highway Traffic Safety Administration is reduced to \$100,000,000 for fiscal year 1974, \$125,000,000 for fiscal year 1975, and \$150,000,000 for fiscal year 1976.

(2) The authorization for section 403 to be carried out by the National Highway Traffic Safety Administration is reduced to \$42.5 million for fiscal year 1974, \$55,000,000 for fiscal year 1975, and \$65,000,000 for fiscal year 1976.

(3) The authorization for section 402 to be carried out by the Federal Highway Administration is reduced to \$25,000,000 for fiscal year 1974, \$30,000,000 for fiscal year 1975, and \$35,000,000 for fiscal year 1976.

Rail-highway crossings

Senate Bill

No provision.

House Amendment

This section authorizes \$150 million for fiscal year 1974, and \$225 million for each of fiscal years 1975 and 1976 for elimination of hazards at rail-highway crossings in addition to funds otherwise available to carry out section 130 of title 23, United States Code. Two-thirds of these funds in any fiscal year are to be appropriated out of the Highway Trust Fund; one-third out of the general fund. Funds authorized are to be available for expenditure: (1) two-thirds for projects on any Federal-aid system (other than the Interstate System) apportioned in the same manner as sums authorized to be appropriated under section 105 of the Federal-Aid Highway Act of 1970, and (2) one-third for projects on highways not included on any Federal-aid system to be apportioned in the same manner as provided in subsection (c) of section 402 of title 23, United States Code. States would be required to conduct and systematically maintain a survey of all rail-highway crossings and establish and implement a schedule of projects for their separation, relocation or protection. At a minimum, such schedule shall insure that adequate signing is provided at all rail-highway crossings.

The Federal share payable on account of any such project is not to exceed 90 percent of the cost.

This section would further require each State to report yearly on the cost of treatments employed and the effectiveness of such improvements. The Secretary would report to Congress yearly on the progress being made by the States in implementing the program.

Conference Substitute

This is the same as the provision of the House amendment except that all funds are authorized from the Highway Trust Fund, projects must be on a Federal-aid system, 50 percent of the funds will be apportioned to the States in the same manner as sums authorized to be appropriated under paragraph (1) of section 104 of the Federal-Aid Highway Act of 1973 and 50 percent of such funds will be apportioned in the same manner as sums authorized to be appropriated under paragraph (2) of such section 104 and the authorization levels are reduced to \$25,000,000 for fiscal year 1974 and \$75,000,000 per fiscal year for 1975 and 1976. In addition to other moneys which may be available to the States for the conduct and maintenance of the surveys required by this section, funds provided under section 307(c) for research and planning may also be used.

Bridge reconstruction and replacement

Senate Bill

No provision.

House Amendment

This section authorizes the appropriation out of the Highway Trust Fund of \$225 million for fiscal year 1974, and \$450 million for each of fiscal years 1975 and 1976 to carry out the bridge replacement program established pursuant to section 144 of title 23, United States Code. Two thirds of the funds authorized and expended under the program would be from the Highway Trust Fund for projects on the Federal-aid system. One third would be from the General Fund for projects not included on any Federal-aid system.

Conference Substitute

This is the same as the House amendment except that all of the funds would be paid from the Highway Trust Fund, all of the projects must be on the Federal-aid system, and the authorization is reduced to \$25,000,000 for fiscal year 1974, and \$75,000,000 per fiscal year for fiscal years 1975 and 1976. Pending bringing unsafe and dangerous bridges and their approaches up to a minimum standard of safety, it is intended that funds authorized under sections 152 (projects for high hazard locations), 153 (program for the elimination of roadside obstacles) and section 151 (pavement marking demonstration program) may be used, in appropriate cases, to make interim safety improvements on bridges on the Federal-aid system.

Pavement marking demonstration program

Senate Bill

No provision.

House Amendment

This section establishes a special pavement marking demonstration program. The Secretary is authorized to approve pavement marking demonstration projects on any two-lane rural highway other than the Interstate System, in order to bring such highway up to marking standards issued or endorsed by the Federal Highway Administrator. This section authorizes the appropriation out of the Highway Trust Fund, of \$125 million for each of fiscal years 1974 and 1975, for such purposes. Funds not required in a State for pavement-marking projects may be used for the elimination or reduction of high hazard locations. The Secretary must submit a report to Congress which includes an analysis and evaluation of the number, rate, and severity

of accidents at improved locations beginning January, 1975, and each January thereafter.

Conference Substitute

This is the same as the House amendment except the authorization is reduced to \$25,000,000 for fiscal year 1974, and \$75,000,000 per fiscal year for fiscal years 1975 and 1976. The purpose of such reports is to provide continuing evaluation of the results achieved under this demonstration program. It is not the intention of the Committee to create an on-going, Federally funded, pavement marking program.

Pavement marking research and demonstration programs

Senate Bill

No provision.

House Amendment

This section authorizes the appropriation out of the Highway Trust Fund of \$15 million for fiscal year 1974, and \$25 million for fiscal year 1975 to conduct research and demonstration programs to improve the effectiveness and durability of various types of pavement markings and related delineators and to develop improved equipment and techniques for applying, erecting and maintaining such markings and delineators during adverse weather and nighttime driving conditions.

Conference Substitute

This is the same as the House amendment with the authorization reduced to \$10,000,000 per fiscal year for fiscal years 1974 and 1975.

Highway safety on Indian reservations

Senate Bill

No provision.

House Amendment

This section amends section 402 of title 23, United States Code, to add a new subsection (1) to define the terms "State" and "Governor of a State" as including the Secretary of the Interior and "political subdivision of a State" as including an Indian tribe, in administering these programs on Indian reservations. This section further provides that if an Indian tribe cannot pay the non-Federal share of the cost of a local highway safety program the Secretary may increase the Federal share to the extent necessary.

Conference Substitute

This is the same as the provisions of the House amendment.

Drug use and driver behavior highway safety research

Senate Bill

No provision.

House Amendment

This section authorizes the Secretary to carry out research on (1) the relationship between the consumption of drugs and highway safety, (2) driver behavior, including the characteristics and physical abilities to perform driving tasks, and (3) the relationship of the frequency of driver accident involvement to highway safety. Computer-aided means to identify graphically those highway deficiencies that contribute to aberrant driver behavior may also be studied. This research may be conducted through grants and contracts with public and private agencies, institutions, and individuals. To carry out this research by the National Highway Traffic Safety Administration there is authorized to be appropriated out of the Highway Trust Fund, \$15 million for the fiscal year 1974 and \$25 million for fiscal year 1975.

Conference Substitute

This is the same as the House amendment except the authorization level has been reduced to \$10,000,000 per fiscal year for fiscal years 1974, 1975, and 1976.

Projects for high-hazard locations

Senate Bill

No provision.

House Amendment

This section establishes a program for the elimination or reduction of hazards at specific locations or sections of highways which have high accident experiences or high accident potentials. Each state shall be required to systematically conduct and maintain an engineering survey to identify critical accident locations, assign priorities and establish and implement a schedule for their correction. To carry out this section, there is authorized to be appropriated \$100 million for each of the fiscal years 1974, 1975 and 1976. Two-thirds of all funds authorized and expended under this section in any fiscal year shall be appropriated out of the Highway Trust Fund. Two-thirds of the funds authorized by this section shall be available for expenditure on any Federal-aid system other than the Interstate System. One-third would be available for projects on highways not on any Federal aid system.

This section further requires each State to report yearly on the cost and the effectiveness of improvements under this section. The Secretary shall report to Congress yearly on the progress being made in implementing the program.

Conference Substitute

This is the same as the House amendment except that all funds will be out of the Highway Trust Fund, all projects must be on a Federal-aid system (other than the Interstate system) and the authorizations are reduced to \$50,000,000 for fiscal year 1974 and \$75,000,000 per fiscal year for fiscal years 1975 and 1976. In addition to other moneys which may be available to the States for the conduct and maintenance of the engineering surveys required by this section, funds provided under section 307(c) for research and planning may also be used.

Program for the elimination of roadside obstacles

Senate Bill

No provision.

House Amendment

This section authorizes a comprehensive program by the Federal Highway Administration for the elimination of roadside obstacles both on and off Federal-aid highway systems. It requires each State to conduct and systematically maintain a survey of all expressways, major streets and highways, and through streets for the identification of roadside obstacles which may constitute a hazard to vehicles, assign priorities and establish and implement a schedule for their correction.

Beginning in 1974, each State shall be required to report yearly on the progress being made in implementing this program and the effectiveness of such improvements. The Secretary is to report to Congress on the progress of the program. The report shall analyze and assess each state program, identify those not in compliance with improvement schedules and contain the Secretary's recommendations for future implementation of the program.

To carry out this section, there is authorized to be appropriated for each of the fiscal years 1974, 1975, and 1976, \$75 million, except that two-thirds of all funds expended under the authority of this section in any fiscal year shall be appropriated out of the Highway Trust Fund.

Conference Substitute

This is the same as the House amendment except that all funds are from the Highway Trust Fund, all projects are to be on a Federal-aid system (other than the Interstate system) and the authorization is

reduced to \$25,000,000 for fiscal year 1974 and remains at \$75,000,000 for fiscal years 1975 and 1976. In addition to other moneys which may be available to the States for the conduct and maintenance of the engineering surveys required by this section funds provided under section 307(c) for research and planning may also be used.

Highway safety educational programing and study

Senate Bill

No provision.

House Amendment

Subsection (a) of this section authorizes the Secretary of Transportation to conduct investigations and studies into the use of mass media and other techniques for informing the public of methods of reducing the number and severity of highway accidents. The study is to include ways and means for: (1) encouraging participation and cooperation of television and radio station licensees, (2) measuring audience reaction to current educational programs, (3) evaluating the effectiveness of such programs, and (4) developing new programs for the promotion of highway safety. The Secretary is to report to the Congress his findings and recommendations by June 30, 1974. To carry out this subsection there is authorized to be appropriated out of the Highway Trust Fund \$1 million.

Subsection (b) authorizes the Secretary to develop a series of highway safety pilot television messages, each not more than five minutes duration, for use in accordance with the provisions of the Communications Act of 1934. To carry out this subsection there is authorized to be appropriated out of the Highway Trust Fund \$4 million.

Conference Substitute

This is the same as the House amendment.

Citizen participation study

Senate Bill

No provision.

House Amendment

This section authorizes the Secretary to investigate the means for encouraging greater citizen participation and involvement in highway safety programs, with particular emphasis on traffic enforcement and accident detection, response and reporting, including the creation of citizen adjuncts to assist professional traffic enforcement and rescue agencies in the performance of their duties. The Secretary is to report to Congress his findings and recommendations by June 30, 1974. To carry out this section there is authorized to be appropriated out of the Highway Trust Fund \$1 million.

Conference Substitute

This is the same as the House amendment. *Feasibility study—National Center for Statistical Analysis of Highway Operations*

Senate Bill

No provision.

House Amendment

This section authorizes the Secretary to make a study of the feasibility of establishing a National Center for Statistical Analysis of Highway Operations designed to acquire, store, and retrieve highway accident data and standardize information and procedures for reporting accidents on a nationwide basis. The study is to include an estimate of the cost of establishing and maintaining such a center including the means for acquiring the accident information to be stored therein. The Secretary is to report to the Congress his findings and recommendations not later than January 1, 1975. To carry out this section there is authorized to be appropriated out of the Highway Trust Fund \$5 million.

Conference Substitute

This is the same as the House amendment.

PEDESTRIAN AND BICYCLE SAFETY STUDY

Senate Bill

No provision.

House Amendment

This section directs the Secretary to make a full and complete investigation and study of pedestrian safety problems in consultation with other agencies of the Federal government, the States and their political subdivisions, and other interested groups and organizations, and report to Congress his findings and recommendations for legislation no later than January 31, 1975.

Conference Substitute

The same as the House amendment except that the study is broadened to include bicycle safety as well.

MANPOWER TRAINING AND DEMONSTRATION PROGRAMS

Senate Bill

No provision.

House Amendment

This section would authorize funds appropriated to States for their highway safety programs to be used for the development and implementation of manpower training and demonstration programs, which the Secretary determines might help reduce traffic accidents.

Conference Substitute

This is the same as the House amendment. It is the intention of this provision that self-instructional training programs and techniques may be authorized by the Secretary.

Public road mileage

Senate Bill

No provision.

House Amendment

For purposes of apportioning funds for highway safety among the States, the public road mileage in each State would be determined at the end of each calendar year.

Conference Substitute

This is the same as the House amendment.

Minimum apportionment

Senate Bill

No provision.

House Amendment

The minimum amount available to any State for highway safety programs would be increased from one-third of one percent to one-half of one percent.

Conference Substitute

This is the same as the House amendment.

Highway safety program applicability

Senate Bill

No provision.

House Amendment

The purpose of this section is to broaden the term "State" to include not only the 50 States and the District of Columbia, and Puerto Rico, but also the Virgin Islands, Guam, and American Samoa. The effect of this provision is to make the latter three jurisdictions eligible for apportionment of section 402 funds. Since none of these jurisdictions have any Federal-aid highways, expenditures resulting from the obligations of each year's apportionment will be paid out of the general funds in the Treasury.

Conference Substitute

This is the same as the House amendment.

Incentives for compliance with highway safety programs

Senate Bill

No provision.

House Amendment

This section authorizes the Secretary to make incentive grants of up to 25% of a

State's section 402 apportionments in fiscal years 1974, 1975, and 1976 to those States which adopt legislation requiring the use of seatbelts in accordance with criteria established by the Secretary. Not to exceed \$50 million is authorized to be appropriated for fiscal year 1974, and \$75 million for each of fiscal years 1975 and 1976.

It also provides additional incentive grants, up to 25% of a State's section 402 apportionment, to those States making the most significant progress in reducing traffic fatality rates. Not to exceed \$25 million is authorized to be appropriated for such purposes in fiscal year 1974 and not to exceed \$35 million for each of fiscal years 1975 and 1976.

Conference Substitute

This is the same as the House amendment with the authorization for subsection (j) (1) reduced to \$25,000,000 for fiscal year 1974, \$32,000,000 for fiscal year 1975, \$37.5 million for fiscal year 1976 and the authorizations for subsection (j) (2) reduced to \$12.5 million for fiscal year 1974, \$16,000,000 for fiscal year 1975 and \$19,000,000 for fiscal year 1976.

Highway safety research and development Senate Bill

No provision.

House Amendment

This section would amend section 403 of title 23, United States Code, to make it clear that research funds could be used for grants to or contracts with public agencies, institutions and individuals for all of the purposes listed in section 403. The Secretary would be required to provide assurances that no fees would be charged for training and education of highway safety personnel.

Conference Substitute

This is the same as the House amendment.
Transfer of demonstration project equipment
Senate Bill

No provision.

House Amendment

The Secretary would be authorized to transfer to State and local agencies the title to equipment purchased with research funds for demonstration projects.

Conference Substitute

This is the same as the House amendment.

Administrative adjudication of traffic infractions Senate Bill

No provision.

House Amendment

This section would direct the Secretary to conduct research and make grants for projects to demonstrate the efficacy of administrative adjudication of traffic infractions. The Secretary would report his findings to Congress by July 1, 1975, and each year thereafter during the continuance of the program.

Conference Substitute

This is the same as the House amendment.

National Highway Safety Advisory Committee Senate Bill

No provision.

House Amendment

The National Highway Traffic Safety Administrator would be added as an ex officio member of the National Highway Safety Advisory Committee.

Conference Substitute

This is the same as the House amendment.

Date of Annual Report Senate Bill

No provision.

House Amendment

The date on which the Secretary is to make an annual report to Congress on the adminis-

tration of the Highway Safety Act would be changed from March 1 to July 1.

Conference Substitute

This is the same as the House amendment.

Highway Safety Needs Study Senate Bill

No provision.

House Amendment

This section directs the Secretary of Transportation, in cooperation with the governors and appropriate State and local highway safety officials, to make a full and complete study of highway safety needs related to programs in title 23, and prepare recommendations and estimates of the cost for meeting those needs. Such studies shall include the needs of the 50 States, Puerto Rico, the District of Columbia, Guam, American Samoa, the Virgin Islands and such other territories as the Secretary shall determine. The Secretary shall submit detailed estimates and recommendations to the Congress not later than January 10, 1976.

Conference Substitute

Same as the House amendment. To the extent practicable, the highway safety needs study authorized by this section shall take into account the findings of the studies authorized by this title and such other safety studies as may be conducted by the Department of Transportation. It is intended that this study be financed by funds allocated to the National Highway Traffic Safety Administration under section 403 of title 23, United States Code.

Driver education evaluation program

Senate Bill

No provision.

House Amendment

This section directs the Secretary of Transportation to carry out research, development and demonstration projects to improve and evaluate the effectiveness of various types of driver education programs and their effects in reducing traffic accidents, deaths, injuries, and property damage. Public and private agencies, institutions and individuals may be utilized to carry out such projects. Commencing July 1, 1975, and each year thereafter during the continuation of the program, the Secretary shall report to the Congress on the results of the projects funded under this program.

Conference Substitute

Same as the House amendment.

Transfer of funds among highway safety programs Senate Bill

No provision.

House Amendment

This section authorizes the transfer of up to 30% of the funds apportioned in any fiscal year to a State in accordance with Section 144 (Bridge Reconstruction and Replacement), Section 152 (Projects for High Hazard Locations), and Section 153 (Program for the Removal of Roadside Obstacles) of the title 23, United States Code and section 203(d) of this Act (relating to rail-highway crossings) to any other of the above programs if such transfer is requested by the State highway department and is approved by the Secretary as being in the public interest.

Conference Substitute

Same as the House amendment.

Curb ramps for the handicapped

Senate Bill

No provision.

House Amendment

This provision adds a new requirement to paragraph 1 of subsection (b) of section 402 of title 23, United States Code by directing the Secretary of Transportation not to approve any State highway safety program au-

thorized under section 402 which does not provide adequate and reasonable access for safe and convenient movement of the physically handicapped, including those in wheel chairs, across curbs constructed or replaced at all pedestrian crosswalks after July 1, 1976.

Conference substitute

Same as the House amendment.

Highway safety standards

Senate Bill

No provision.

House Amendment

This section amends section 402(h) of title 23, United States Code, to provide that each uniform safety standard promulgated under that section on or before January 1, 1973, shall continue in effect unless otherwise specifically provided by law enacted after the date of enactment of the Federal-aid Highway Act of 1973. The Secretary shall not promulgate any other uniform safety standard under that section (including a revision of a standard continued in effect by the preceding sentence) unless otherwise specifically provided by law enacted after the date of enactment of the Federal-aid Highway Act of 1973.

Conference Substitute

Same as the House amendment.

Federal-aid safer roads demonstration program Senate Bill

No provision.

House Amendment

No provision.

Conference Substitute

This section adds a new section 405 to title 23, a version of which was in the Senate passed safety bill, S. 893. This section authorizes \$50 million for fiscal year 1974, and \$100 million for each of the fiscal year 1975 and 1976 out of the Highway Trust Fund for a demonstration program for the correction of safety hazards on highways off the Federal-aid System. The Federal share for such projects would be 90%.

By June 30, 1974, each State should identify hazards which are to be corrected under this program and assign priorities for their correction. The hazards to be corrected must fall within three major categories: 1) projects to improve highway marking and signing; 2) to eliminate roadside obstacles; and 3) to eliminate hazards at railroad-highway grade crossings. Each State would designate the projects and priorities for correcting the hazards within these categories, subject to the approval of the Secretary.

In carrying out the Federal-Aid Safer Roads Demonstration Program authorized by this section, the Secretary shall coordinate such program with the programs and projects authorized in sections 144, 152, and 153 of this title and section 203(d) of the Highway Safety Act of 1973.

An interim report on the progress of this demonstration program shall be filed by January 1, 1975, and a final report shall be filed on January 1, 1976, with recommendations for the future implementation of the program.

Bicycle safety

Senate Bill

No provision.

House Amendment

No provision.

Conference Substitute

This section amends section 402 to include bicycle safety among the areas to be covered by highway safety standards, and adds bicycle safety to required driver education programs.

While recognizing that bikeways physically separated from highways provide the best protection against injuries resulting from accidents between bicycles and motorized vehi-

cles, the Managers believe that other measures can also help to promote bicycle safety.

The Managers expect that the results of the Pedestrian and Bicycle Safety Study authorized by another section of the conference substitute will provide guidance to the Secretary and the States in implementing this section.

TITLE III Senate Bill

This title amends the Urban Mass Transportation Act of 1964 by authorizing the Secretary of Transportation to make grants or loans to State and local public bodies for payment of operating expenses incurred by a mass transportation system. These grants would be obligated on a two-third Federal, one-third local matching basis and funded by the allocation of \$800 million over the next two fiscal years.

This title also provides an additional \$3 billion in contract authority to sustain the Urban Mass Transportation Act's capital grant program through fiscal year 1977. The cost-sharing formula for this program would be changed from two-thirds, one-third to 90 percent Federal, 10 percent local. This new ratio for funding mass transit capital improvements coincides with the present Federal interstate highway financing ratio.

House Amendment

This title would increase to 80 percent the Federal share of capital grants under the Urban Mass Transportation Act of 1964, as amended, and increase from \$3.1 billion to \$6.1 billion contract authority under the Act.

It would also permit the Urban Mass Transportation Administration to make grants to States and local public bodies or agencies thereof and enter into contracts with private and public agencies to carry out technical studies relating to planning, engineering, design and evaluation or urban mass transportation projects. The Federal share would be determined by the Secretary.

Subsection 301(e) would insure that non-supervisory employees are not brought under the restrictive political provisions of the "Hatch Act" merely because a transit system may be a recipient of Federal assistance under this section.

Protective provisions are also included which would prevent discrimination in the program on the basis of sex and provide from funds authorized for capital grants under the Act additional funding on a permissive basis for providing mass transit services to meet the special needs of the elderly and the handicapped.

This title further provides that no funds authorized to be obligated, appropriated or expended pursuant to the Urban Mass Transportation Act of 1964, as amended, shall be impounded or withheld from obligation.

No assistance would be provided for the purchase of buses to any State or local public body or agency thereof which engages in charter bus operations in competition with private operators outside the urbanized area within which the public body or agency provides mass transit service.

No financial assistance would be provided to any State or local public body or agency thereof which engages in the transporting of school children and school personnel to and from school and school related functions in competition with or supplementary to the service currently provided by a private transportation company, or other person, provided that such company or person provides adequate transportation at reasonable rates, and in conformance with applicable safety standards. This would not apply if the State or local body was engaged in transporting school children or personnel during the 12-month period prior to the date of enactment of this title.

Conference Substitute

This title is the same as the House provision except that the prohibition against impoundment is deleted and the references to unfair competition are covered in a new section 164.

TITLE IV Senate Bill

No comparable provision.

House Amendment

Title V of the House amendment provides that the time requirements in section 104(b) of title 23, United States Code, are not applicable to apportionment of sums authorized for that fiscal year in any title of this Act and requires the Secretary to apportion these sums as soon as practicable after the date of enactment of this Act.

Conference Substitute

This is the same as the provision of the House amendment with an additional section that all sums authorized in Public Law 93-61 are included within the authorizations contained in this Act for fiscal year 1974 and requiring the Secretary to make appropriate adjustments in apportionments made under Public Law 93-61 to conform them to this Act.

JIM WRIGHT,
JOHN A. BLATNIK,
JOHN C. KLUCZYNSKI,
HAROLD T. JOHNSON,
JAMES V. STANTON,
DON H. CLAUSEN,

Managers on the Part of the House.

LLOYD BENTSEN,
JENNINGS RANDOLPH,
EDMUND S. MUSKIE,
JOSEPH M. MONTROYA,
HOWARD BAKER,
ROBERT T. STAFFORD,
JAMES BUCKLEY,

Managers on the Part of the Senate.

CONFERENCE REPORT ON H.R. 8825

Pursuant to an order of the House on Thursday, July 26, 1973, the conference report on the bill (H.R. 8825) making appropriations for the Department of Housing and Urban Development; for space, science, veterans, and certain other independent executive agencies, boards, commissions, and corporations for the fiscal year ending June 30, 1974, and for other purposes is herewith printed, as follows:

[Submitted by Mr. BOLAND]

CONFERENCE REPORT (H. REPT. NO. 93-411)

The Committee of Conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 8825) "making appropriations for the Department of Housing and Urban Development; for space, science, veterans, and certain other independent executive agencies, boards, commissions, and corporations for the fiscal year ending June 30, 1974, and for other purposes," having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendments numbered 1, 6, 9, 11, 25, 31, 33, 34, 36, and 42.

That the House recede from its disagreement to the amendments of the Senate numbered 2, 12, 13, 15, 18, 19, 20, 24, 26, 37, 38, 39, 40, 41, and 43; and agree to the same.

Amendment numbered 4: That the House recede from its disagreement to the amendment of the Senate numbered 4, and agree to the same with an amendment, as follows: In lieu of the sum proposed by said amendment

insert "\$23,900,000"; and the Senate agree to the same.

Amendment numbered 5: That the House recede from its disagreement to the amendment of the Senate numbered 5, and agree to the same with an amendment, as follows: In lieu of the sum proposed by said amendment insert "\$75,000,000"; and the Senate agree to the same.

Amendment numbered 7: That the House recede from its disagreement to the amendment of the Senate numbered 7, and agree to the same with an amendment, as follows: Restore the matter stricken by said amendment, amended to read as follows:

"OPEN SPACE LAND PROGRAMS

"For grants as authorized by title VII of the Housing Act of 1961, as amended (42 U.S.C. 1500-1500e), and the provision of technical assistance to State and local public bodies, \$25,000,000, to remain available until expended: *Provided*, That no part of this appropriation may be used for financing a grant in excess of 50 per centum of the cost of any activity or project, except that grants made pursuant to section 706 of the Housing Act of 1961, as amended (42 U.S.C. 1500), may be made in an amount not to exceed 75 per centum; and the Senate agree to the same.

Amendment numbered 8: That the House recede from its disagreement to the amendment of the Senate numbered 8, and agree to the same with an amendment, as follows: In lieu of the sum proposed by said amendment insert "\$22,413,000"; and the Senate agree to the same.

Amendment numbered 10: That the House recede from its disagreement to the amendment of the Senate numbered 10, and agree to the same with an amendment, as follows: In lieu of the sum proposed by said amendment insert "\$65,000,000"; and the Senate agree to the same.

Amendment numbered 14: That the House recede from its disagreement to the amendment of the Senate numbered 14, and agree to the same with an amendment, as follows: In lieu of the sum proposed by said amendment insert "\$3,166,000"; and the Senate agree to the same.

Amendment numbered 16: That the House recede from its disagreement to the amendment of the Senate numbered 16, and agree to the same with an amendment, as follows: In lieu of the sum proposed by said amendment insert "\$11,460,000"; and the Senate agree to the same.

Amendment numbered 17: That the House recede from its disagreement to the amendment of the Senate numbered 17, and agree to the same with an amendment, as follows: In lieu of the sum proposed by said amendment insert "\$19,780,000"; and the Senate agree to the same.

Amendment numbered 21: That the House recede from its disagreement to the amendment of the Senate numbered 21, and agree to the same with an amendment, as follows: In lieu of the sum proposed by said amendment insert "\$566,600,000"; and the Senate agree to the same.

Amendment numbered 22: That the House recede from its disagreement to the amendment of the Senate numbered 22, and agree to the same with an amendment, as follows: Restore the matter stricken by said amendment, amended to read as follows: "not less than \$12,500,000 shall be used only for Graduate Student Support; not less than \$65,000,000 shall be used only for Science Education Improvement; and"; and the Senate agree to the same.

Amendment numbered 23: That the House recede from its disagreement to the amendment of the Senate numbered 23, and agree to the same with an amendment, as follows: In lieu of the sum proposed by said amendment insert "\$72,000,000"; and the Senate agree to the same.

Amendment numbered 27: That the House recede from its disagreement to the amendment of the Senate numbered 27, and agree to the same with an amendment, as follows: In lieu of the matter stricken and inserted by said amendment, insert the following: "\$2,676,261,000, plus reimbursements"; and the Senate agree to the same.

Amendment numbered 28: That the House recede from its disagreement to the amendment of the Senate numbered 28, and agree to the same with an amendment, as follows: In lieu of the sum proposed by said amendment insert "\$75,500,000"; and the Senate agree to the same.

Amendment numbered 29: That the House recede from its disagreement to the amendment of the Senate numbered 29, and agree to the same with an amendment, as follows: In lieu of the matter inserted by said amendment, insert the following:

"ASSISTANCE FOR HEALTH MANPOWER TRAINING INSTITUTIONS

"For pilot programs for assistance in the establishment of new State medical schools, as authorized by title 38, United States Code, chapter 82, \$25,000,000, to remain available for pilot programs under section 5072 of title 38, United States Code, until June 30, 1979"; and the Senate agree to the same.

Amendment numbered 30: That the House recede from its disagreement to the amendment of the Senate numbered 30, and agree to the same with an amendment, as follows: In lieu of the sum proposed by said amendment insert "\$310,000,000"; and the Senate agree to the same.

Amendment numbered 32: That the House recede from its disagreement to the amendment of the Senate numbered 32, and agree to the same with an amendment, as follows: In lieu of the sum proposed by said amendment insert "\$68,343,000"; and the Senate agree to the same.

Amendment numbered 35: That the House recede from its disagreement to the amendment of the Senate numbered 35, and agree to the same with an amendment, as follows: In lieu of the matter stricken and inserted by said amendment, insert the following: "\$39,703,000"; and the Senate agree to the same.

The committee of conference report in disagreement amendments numbered 3, 44, and 45.

EDWARD P. BOLAND,
JOE L. EVINS,
(except amendments Nos. 10 and 25),

GEORGE E. SHIPLEY,
J. EDWARD ROUSH,
ROBERT O. TIERNAN,
(except amendment No. 25),

BILL CHAPPELL,
ROBERT N. GIAIMO,
GEORGE MAHON,
BURT L. TALCOTT,
JOSEPH M. McDADDE,
BILL SCHERLE,
EARL B. RUTH,
E. A. CEDERBERG,

Managers on the Part of the House.

WILLIAM PROXMIER,
JOHN L. MCCLELLAN,
JOHN O. PASTORE,
BIRCH BAYH,
LAWTON CHILES,
FRANK E. MOSS,
CHARLES MCC. MATHIAS, Jr.,
MILTON R. YOUNG,
CLIFFORD P. CASE,
HIRAM L. FONG,

Managers on the Part of the Senate.

JOINT EXPLANATORY STATEMENT OF THE COMMITTEE OF CONFERENCE

The managers on the part of the House and the Senate at the conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 8825) making appropriations for the Depart-

ment of Housing and Urban Development; for space; science, veterans, and certain other independent executive agencies, boards, commissions, and corporations for the fiscal year ending June 30, 1974, and for other purposes, submit the following joint statement to the House and the Senate in explanation of the effect of the action agreed upon by the managers and recommended in the accompanying report:

Amendment No. 1: The following provision in the opening paragraph of the Senate bill, "and shall be made available for expenditure except as specifically provided by law" was not agreed to by the conferees because it was deemed to be an unnecessary restatement of existing provisions of law. It was therefore deleted without prejudice.

TITLE I—DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Amendment No. 2: Appropriates \$5,120,000 for salaries and expenses, housing production and mortgage credit programs as proposed by the Senate, instead of \$5,300,000 as proposed by the House.

Amendment No. 3: Reported in technical disagreement. The managers on the part of the House will offer a motion to appropriate \$2,020,000,000 for housing payments as proposed by the Senate, instead of \$2,100,000,000 as proposed by the House; and insert language earmarking not less than \$280,000,000 for the payment of operating subsidies to Local Housing Authorities, instead of \$315,000,000 as proposed by the Senate. The managers on the part of the Senate will move to concur in the amendment of the House to the amendment of the Senate.

The committee of conference strongly recommends that the legislative committees having jurisdiction over the authorization for "operating subsidies" paid to Local Housing Authorities should undertake a thorough study and evaluation of the "Brooke amendments," including alleged abuses involved in the use of these subsidies, and the effect of these provisions on the efficient management and operation of all Local Housing Authorities.

Amendment No. 4: Appropriates \$23,900,000 for salaries and expenses, housing management programs, instead of \$24,475,000 as proposed by the House and \$23,155,000 as proposed by the Senate.

Amendment No. 5: Appropriates \$75,000,000 for comprehensive planning grants, instead of \$25,000,000 as proposed by the House and \$110,000,000 as proposed by the Senate.

Amendment No. 6: Appropriates \$10,134,000 for salaries and expenses, community planning and management programs as proposed by the House, instead of \$9,875,000 as proposed by the Senate.

Amendment No. 7: Restores the House language and appropriates \$25,000,000 for open space land programs, instead of \$70,000,000 as proposed by the House and deletion of the item as proposed by the Senate.

Amendment No. 8: Appropriates \$22,413,000 for salaries and expenses, community development programs, instead of \$22,900,000 as proposed by the House and \$22,176,000 as proposed by the Senate.

Amendment No. 9: Deletes language proposed by the Senate to prohibit use of any funds for administrative expenses unless the full amount of appropriations in this and previous Acts for community development assistance are made available for obligation or commitment.

Amendment No. 10: Appropriates \$65,000,000 for research and technology, instead of \$60,000,000 as proposed by the House and \$71,450,000 as proposed by the Senate.

Amendment No. 11: Deletes language proposed by the Senate to earmark \$1,000,000 for a study of the growing problem of natural gas explosions in residential areas. The committee of conference is agreed that some funds should be made available for such a study.

Amendment No. 12: Appropriates \$9,546,000 for fair housing and equal opportunity functions as proposed by the Senate, instead of \$9,750,000 as proposed by the House.

Amendment No. 13: Appropriates \$6,042,000 for general departmental management as proposed by the Senate, instead of \$6,150,000 as proposed by the House.

Amendment No. 14: Appropriates \$3,166,000 for salaries and expenses, Office of General Counsel, instead of \$3,250,000 as proposed by the House and \$3,134,000 as proposed by the Senate.

Amendment No. 15: Appropriates \$6,534,000 for salaries and expenses, Office of Inspector General as proposed by the Senate, instead of \$6,825,000 as proposed by the House.

Amendment No. 16: Appropriates \$11,460,000 for administration and staff services, instead of \$11,500,000 as proposed by the House and \$10,731,000 as proposed by the Senate.

The committee of conference has observed that the HUD management information systems and data processing personnel have developed several alternatives to the initial plans for leasing data communications equipment and services. Based upon informal estimates, these alternatives may save the department from \$7,000,000 to \$10,000,000 over the next eight years through installing government-owned and operated tele-processing equipment. The conference committee wishes to commend the department for responding so quickly with a high degree of professional expertise in the short time since the careful analysis of alternatives was recommended in the June 19, 1973, House report.

Amendment No. 17: Appropriates \$19,780,000 for regional management and services, instead of \$20,200,000 as proposed by the House and \$19,769,000 as proposed by the Senate.

TITLE II—SPACE, SCIENCE, VETERANS, AND CERTAIN OTHER INDEPENDENT AGENCIES

Federal Communications Commission

Amendment No. 18: Inserts language proposed by the Senate to limit travel expenses to not to exceed \$800,000.

National Aeronautics and Space Administration

Amendment No. 19: Appropriates \$101,100,000 for construction of facilities as proposed by the Senate, instead of \$87,800,000 as proposed by the House.

Amendment No. 20: Earmarks \$56,300,000 for space shuttle facilities as proposed by the Senate, instead of \$43,000,000 as proposed by the House.

National Science Foundation

Amendment No. 21: Appropriates \$566,600,000 for salaries and expenses, instead of \$561,600,000 as proposed by the House and \$571,600,000 as proposed by the Senate. The funds provided include not to exceed \$5,000,000 to commence construction of the Very Large Array radio telescope.

While the National Science Foundation appropriation for the first time has been limited to the current fiscal year, it is the intent of the conferees that obligations made in fiscal year 1974 shall not lapse solely for the reason that the activity for the performance of which the obligation is made is not commenced within the current fiscal year.

The committee of conference also recommends that appropriate technician training projects be funded to provide underpinning or support for scientific efforts.

Amendment No. 22: Earmarks not less than \$12,500,000 for graduate student support and not less than \$65,000,000 for science education improvement, instead of \$14,000,000 and \$69,000,000, respectively, as proposed by the House. The Senate had proposed deleting the House language.

Amendment No. 23: Earmarks a maximum of \$72,000,000 for research applied to national needs, instead of \$65,000,000 as proposed by the House and \$79,200,000 as proposed by the Senate.

Securities and Exchange Commission

Amendment No. 24: Inserts language proposed by the Senate to limit travel expenses to not to exceed \$840,000.

Selective Service System

Amendment No. 25: Appropriates \$47,500,000 for salaries and expenses as proposed by the House, instead of \$35,000,000 as proposed by the Senate.

Amendment No. 26: Inserts language proposed by the Senate that no funds in this Act may be expended for or in connection with the induction of any person into the Armed Forces of the United States.

Veterans Administration

Amendment No. 27: Appropriates \$2,676,261,000 for medical care, instead of \$2,670,350,000 as proposed by the House and \$2,706,805,063 as proposed by the Senate; and deletes language proposed by the Senate earmarking funds for health care personnel, an unrestricted average daily patient census, and spinal cord injury home-care programs.

Amendment No. 28: Appropriates \$75,500,000 for medical and prosthetic research, instead of \$71,000,000 as proposed by the House and \$77,800,000 as proposed by the Senate.

Amendment No. 29: Appropriates \$25,000,000 for assistance for new State medical schools, instead of \$55,000,000 for assistance for health manpower training institutions as proposed by the Senate.

Amendment No. 30: Appropriates \$310,000,000 for general operating expenses, instead of \$313,822,000 as proposed by the House and \$300,000,000 as proposed by the Senate.

Amendment No. 31: Deletes language proposed by the Senate to prohibit the involuntary transfer or reassignment of regional directors.

Amendment No. 32: Appropriates \$68,343,000 for construction, major projects, instead of \$61,299,000 as proposed by the House and \$70,435,000 as proposed by the Senate.

Amendment No. 33: Deletes language proposed by the Senate itemizing the projects and amounts for construction, major projects. The approved projects and amounts are as listed in the House report, except for the addition for air conditioning projects at Gulfport, Mississippi, \$81,000; Huntington, West Virginia, \$1,388,000; and Salisbury, North Carolina, \$5,575,000, as proposed by the Senate.

The committee of conference also agrees with the statement in the Senate report concerning the VA hospital proposed for construction in Baltimore, Maryland.

Amendment No. 34: Deletes language proposed by the Senate to provide for a 5 percent transfer authority between construction projects.

The committee of conference is concerned about the number and magnitude of cost overruns on construction projects. Positive steps should be instituted to allay the need for extensive reprogramming.

Amendment No. 35: Appropriates \$39,703,000 for construction, minor projects as proposed by the Senate, instead of \$38,701,000 as proposed by the House. Deletes language proposed by the Senate earmarking for air conditioning projects. The additional \$1,002,000 is for air conditioning projects at Waco, Texas, and San Juan, Puerto Rico.

Amendment No. 36: Deletes language proposed by the Senate concerning air conditioning.

Amendment No. 37: Authorizes a limitation of \$500,000,000 on obligations for the loan guaranty revolving fund as proposed by the Senate, instead of \$400,000,000 as proposed by the House.

Amendments Nos. 38 and 39: Delete transfer authority of 5 percent between construction appropriations as proposed by the Senate.

TITLE III—CORPORATIONS

Department of Housing and Urban Development

Amendment No. 40: Authorizes \$15,080,000 for administrative expenses of the Federal Housing Administration as proposed by the Senate, instead of \$15,280,000 as proposed by the House.

Amendment No. 41: Authorizes \$175,851,000 for nonadministrative expenses of the Federal Housing Administration as proposed by the Senate, instead of \$178,730,000 as proposed by the House.

Amendment No. 42: Deletes language proposed by the Senate to prohibit use of any funds for administrative and nonadministrative expenses unless the full amount of contract authority provided in this and previous Acts for the rent supplement program, the homeownership assistance program, the rental housing assistance program, and the public housing program are made available for obligation.

Amendment No. 43: Authorizes \$7,750,000 for administrative expenses of the Government National Mortgage Association as proposed by the Senate, instead of \$7,769,000 as proposed by the House.

TITLE IV—GENERAL PROVISIONS

Amendments Nos. 44 and 45: Reported in disagreement. The managers on the part of the House will offer a motion to insist on its disagreement to the amendment of the Senate that would impose further restrictions on the purchase, hire, operation and maintenance of passenger motor vehicles by the department and agencies included in this act.

CONFERENCE TOTAL—WITH COMPARISONS

The total new budget (obligational) authority for the fiscal year 1974 recommended by the committee of conference, with comparisons to the fiscal year 1973 amount, to the 1974 budget estimate, and to the House and Senate bills for 1974 follows:

	Amounts
New budget (obligational) authority, fiscal year 1973..	\$20,884,223,000
Budget estimates of new (obligational) authority, fiscal year 1974.....	18,617,453,000
House bill, fiscal year 1974..	19,070,954,000
Senate bill, fiscal year 1974..	19,118,373,063
Conference agreement	19,056,500,000
Conference agreement compared with—	
New budget (obligational) authority, fiscal year 1973	—1,827,723,000
Budget estimates of new (obligational) authority, fiscal year 1974.....	+439,047,000
House bill, fiscal year 1974	—14,454,000
Senate bill, fiscal year 1974	—61,873,063

EDWARD P. BOLAND,

JOE L. EVINS,

(except amendments Nos. 10 and 25),

GEORGE E. SHIPLEY,

J. EDWARD ROUSE,

ROBERT O. TIERNAN,

(except amendment No. 25),

BILL CHAPPELL,

ROBERT N. GIAIMO,

GEORGE MAHON,

BURT L. TALCOTT,

JOSEPH M. MCDADE,

BILL SCHERLE,

EARL B. RUTH,

E. A. CEDERBERG,

Managers on the Part of the House.

WILLIAM PROXMIER,

JOHN L. MCCLELLAN,

JOHN O. PASTORE,

BIRCH BATH,

LAWTON CHILES,

FRANK E. MOSS,
CHARLES McC. MATHIAS, Jr.,
MILTON R. YOUNG,
CLIFFORD P. CASE,
HIRAM L. FONG,*Managers on the Part of the Senate.*CONFERENCE REPORT ON
H.R. 7935

Pursuant to an order of the House on Thursday, July 26, 1973, the conference report on the bill (H.R. 7935) to amend the Fair Labor Standards Act of 1938 to increase the minimum wage rates under that act, to expand the coverage of that act, and for other purposes, is herewith printed, as follows:

[Submitted by Mr. PERKINS]

CONFERENCE REPORT (H. REPT. No. 93-413)

The committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R. 7935) to amend the Fair Labor Standards Act of 1938 to increase the minimum wage rates under that Act, to expand the coverage of that Act, and for other purposes, having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows:

That the House recede from its disagreement to the amendment of the Senate and agree to the same with an amendment as follows:

In lieu of the matter proposed to be inserted by the Senate amendment insert the following:

SHORT TITLE; REFERENCES TO ACT

SECTION 1. (a) This Act may be cited as the "Fair Labor Standards Amendments of 1973".

(b) Unless otherwise specified, whenever in this Act an amendment or repeal is expressed in terms of an amendment to, or repeal of, a section or other provision, the section or other provision amended or repealed is a section or other provision of the Fair Labor Standards Act of 1938 (29 U.S.C. 201-219).

INCREASE IN MINIMUM WAGE RATE FOR EMPLOYEES COVERED BEFORE 1966

SEC. 2. Section 6(a) (1) is amended to read as follows:

"(1) not less than \$2 an hour during the period ending June 30, 1974, and not less than \$2.20 an hour after June 30, 1974, except as otherwise provided in this section;"

INCREASE IN MINIMUM WAGE RATE FOR NON-AGRICULTURAL EMPLOYEES COVERED IN 1966 AND 1973

SEC. 3. Section 6(b) is amended (1) by inserting "title IX of the Education Amendments of 1972, or the Fair Labor Standards Amendments of 1973" after "1966", and (2) by striking out paragraphs (1) through (5) and inserting in lieu thereof the following:

"(1) not less than \$1.80 an hour during the period ending June 30, 1974,

"(2) not less than \$2 an hour during the year beginning July 1, 1974, and

"(3) not less than \$2.20 an hour after June 30, 1975."

INCREASE IN MINIMUM WAGE RATE FOR AGRICULTURAL EMPLOYEES

SEC. 4. Section 6(a) (5) is amended to read as follows:

"(5) if such employee is employed in agriculture, not less than—

"(A) \$1.60 an hour during the period ending June 30, 1974,

"(B) \$1.80 an hour during the year beginning July 1, 1974,

"(C) \$2 an hour during the year beginning July 1, 1975, and

"(D) \$2.20 an hour after June 30, 1976."

INCREASE IN MINIMUM WAGE RATES FOR EMPLOYEES IN PUERTO RICO AND THE VIRGIN ISLANDS

SEC. 5. (a) Section 5 is amended by adding at the end thereof the following new subsection:

"(e) The provisions of this section, section 6(c), and section 8 shall not apply with respect to the minimum wage rate of any employee employed in Puerto Rico or the Virgin Islands (1) by the United States or by the government of the Virgin Islands, (2) by an establishment which is a hotel, motel, or restaurant, or (3) by any other retail or service establishment which employs such employee primarily in connection with the preparation or offering of food or beverages for human consumption, either on the premises, or by such services as catering, banquet, box lunch, or curb or counter service, to the public, to employees, or to members or guests of members of clubs. The minimum wage rate of such an employee shall be determined under this Act in the same manner as the minimum wage rate for employees employed in a State of the United States as determined under this Act. As used in the preceding sentence, the term 'State' does not include a territory or possession of the United States."

(b) Effective on the date of the enactment of the Fair Labor Standards Amendments of 1973, subsection (c) of section 6 is amended by striking out paragraphs (2), (3), and (4) and inserting in lieu thereof the following:

"(2) Except as provided in paragraphs (4) and (5), in the case of any employee who is covered by such a wage order on the date of enactment of the Fair Labor Standards Amendments of 1973 and to whom the rate or rates prescribed by subsection (a) or (b) would otherwise apply, the wage rate applicable to such employee shall be increased as follows:

"(A) Effective on the effective date of the Fair Labor Standards Amendments of 1973, the wage order rate applicable to such employee on the day before such date shall—

"(i) if such rate is under \$1.40 an hour, be increased by \$0.12 an hour, and

"(ii) if such rate is \$1.40 or more an hour, be increased by \$0.15 an hour,

except that, in the case of an employee whose wage order rate was increased (pursuant to the recommendations of a special industry committee convened under section 8) during the period beginning on July 26, 1973, and ending before the effective date of the Fair Labor Standards Amendments of 1973, the wage order rate applicable to such employee shall be increased only if the amount of the increase during such period was less than the otherwise applicable increase prescribed by clause (i) or (ii) of this subparagraph and only to the extent of the difference between the increase during such period and such otherwise applicable increase.

"(B) Effective on the first day of the second and each subsequent year after such date, the highest wage order rate applicable to such employees on the day before such first day shall—

"(i) if such rate is under \$1.40 an hour, be increased by \$0.12 an hour, and

"(ii) if such rate is \$1.40 or more an hour, be increased by \$0.15 an hour.

In the case of any employee employed in agriculture who is covered by a wage order issued by the Secretary pursuant to the recommendations of a special industry committee appointed pursuant to section 5, to whom the rate or rates prescribed by subsection (a) (5) would otherwise apply, and whose hourly wage is increased above the wage rate prescribed by such wage order by a subsidy (or income supplement) paid, in whole or in part, by the government of Puerto Rico, the increases prescribed by this paragraph, shall be applied to the sum of the wage rate in

effect under such wage order and the amount by which the employee's hourly wage rate is increased by the subsidy (or income supplement) above the wage rate in effect under such wage order.

"(3) In the case of any employee employed in Puerto Rico or the Virgin Islands to whom this section is made applicable by the amendments made to this Act by the Fair Labor Standards Amendments of 1973, the Secretary shall, as soon as practicable after the date of enactment of the Fair Labor Standards Amendments of 1973, appoint a special industry committee in accordance with section 5 to recommend the highest minimum wage rate or rates, which shall be not less than 60 per centum of the otherwise applicable minimum wage rate in effect under subsection (b) or \$1.00 an hour, whichever is greater, to be applicable to such employee in lieu of the rate or rates prescribed by subsection (b). The rate recommended by the special industry committee shall (A) be effective with respect to such employee upon the effective date of the wage order issued pursuant to such recommendation, but not before sixty days after the effective date of the Fair Labor Standards Amendments of 1973, and (B) except in the case of employees of the government of Puerto Rico or any political subdivision thereof, be increased in accordance with paragraph (2) (B).

"(4) (A) Notwithstanding paragraph (2) (A) or (3), the wage rate of any employee in Puerto Rico or the Virgin Islands which is subject to paragraph (2) (A) or (3) of this subsection, shall, on the effective date of the wage increase under paragraph (2) (A) or of the wage rate recommended under paragraph (3), as the case may be, be not less than 60 per centum of the otherwise applicable rate under subsection (a) or (b) or \$1.00, whichever is higher.

"(B) Notwithstanding paragraph (2) (B), the wage rate of any employee in Puerto Rico or the Virgin Islands which is subject to paragraph (2) (B), shall, on and after the effective date of the first wage increase under paragraph (2) (B), be not less than 60 per centum of the otherwise applicable rate under subsection (a) or (b) or \$1.00, whichever is higher.

"(5) If the wage rate of an employee is to be increased under this subsection to a wage rate which equals or is greater than the wage rate under subsection (a) or (b) which, but for paragraph (1) of this subsection, would be applicable to such employee, this subsection shall be inapplicable to such employee and the applicable rate under such subsection shall apply to such employee.

"(6) Each minimum wage rate prescribed by or under paragraph (2) or (3) shall be in effect unless such minimum wage rate has been superseded by a wage order (issued by the Secretary pursuant to the recommendation of a special industry committee convened under section 8) fixing a higher minimum wage rate."

(c) (1) The last sentence of section 8(b) is amended by striking out the period at the end thereof and inserting in lieu thereof a semicolon and the following: "except that the committee shall recommend to the Secretary the minimum wage rate prescribed in section 6(a) or 6(b), which would be applicable but for section 6(c), unless there is substantial documentary evidence, including pertinent unabridged profit and loss statements and balance sheets for a representative period of years or in the case of employees of public agencies other appropriate information, in the record which establishes that the industry, or a predominant portion thereof is unable to pay that wage."

(2) The third sentence of section 10(a) is amended by inserting after "modify" the following: "(including provision for the payment of an appropriate minimum wage rate)".

(d) Section 8 is amended (1) by striking

out "the minimum wage prescribed in paragraph (1) of section 6(a) in each such industry" in the first sentence of subsection (a) and inserting in lieu thereof "the minimum wage rate which would apply in each such industry under paragraph (1) or (5) of section 6(a) but for section 6(c)", (2) by striking out "the minimum wage rate prescribed in paragraph (1) of section 6(a)" in the last sentence of subsection (a) and inserting in lieu thereof "the otherwise applicable minimum wage rate in effect under paragraph (1) or (5) of section 6(a)", and (3) by striking out "prescribed in paragraph (1) of section 6(a)" in subsection (c) and inserting in lieu thereof "in effect under paragraph (1) or (5) of section 6(a) (as the case may be)".

FEDERAL AND STATE EMPLOYEES

SEC. 6. (a) (1) Section 3(d) is amended to read as follows:

"(d) 'Employer' includes any person acting directly and indirectly in the interest of an employer in relation to an employee and includes a public agency, but does not include any labor organization (other than when acting as an employer) or anyone acting in the capacity of officer or agent of such labor organization."

(2) Section 3(e) is amended to read as follows:

"(e) (1) Except as provided in paragraphs (2) and (3), the term 'employee' means any individual employed by an employer.

"(2) In the case of an individual employed by a public agency, such term means—

"(A) any individual employed by the Government of the United States—

"(i) as a civilian in the military departments (as defined in section 102 of title 5, United States Code),

"(ii) in any executive agency (as defined in section 105 of such title),

"(iii) in any unit of the legislative or judicial branch of the Government which has positions in the competitive service,

"(iv) in a nonappropriated fund instrumentality under the jurisdiction of the Armed Forces, or

"(v) in the Library of Congress;

"(B) any individual employed by the United States Postal Service or the Postal Rate Commission; and

"(C) any individual employed by a State, political subdivision of a State, or an interstate governmental agency, other than such an individual—

"(i) who is not subject to the civil service laws of the State, political subdivision, or agency which employs him; and

"(ii) who—

"(I) holds a public elective office of that State, political subdivision, or agency,

"(II) is selected by the holder of such an office to be a member of his personal staff.

"(III) is appointed by such an office holder to serve on a policy making level, or

"(IV) who is an immediate advisor to such an office holder with respect to the constitutional or legal powers of his office."

"(3) For purposes of subsection (u), such term does not include any individual employed by an employer engaged in agriculture if such individual is the parent, spouse, child, or other member of the employer's immediate family."

(3) Section 3(h) is amended to read as follows:

"(h) 'Industry' means a trade, business, industry, or other activity, or branch or group thereof, in which individuals are gainfully employed."

(4) Section 3(r) is amended by inserting "or" at the end of paragraph (2) and by inserting after that paragraph the following new paragraph:

"(3) in connection with the activities of a public agency."

(5) Section 3(s) is amended—

(A) by striking out in the matter preceding paragraph (1) "including employees

handling, selling, or otherwise working on goods" and inserting in lieu thereof "or employees handling, selling, or otherwise working on goods or materials".

(B) by striking out "or" at the end of paragraph (3),

(C) by striking out the period at the end of paragraph (4) and inserting in lieu thereof

(D) by adding after paragraph (4) the following new paragraph:

"(5) is an activity of a public agency.", and

(E) by adding after the last sentence the following new sentence: "The employees of an enterprise which is a public agency shall for purposes of this subsection be deemed to be employees engaged in commerce, or in the production of goods for commerce, or employees handling, selling, or otherwise working on goods or materials that have been moved in or produced for commerce."

(6) Section 3 is amended by adding after subsection (w) the following:

"(x) 'Public agency' means the Government of the United States; the government of a State or political subdivision thereof; any agency of the United States (including the United States Postal Service and Postal Rate Commission), a State, or a political subdivision of a State; or any interstate governmental agency."

(b) Section 4 is amended by adding at the end thereof the following new subsection:

"(f) The Secretary is authorized to enter into an agreement with the Librarian of Congress with respect to any individual employed in the Library of Congress to provide for the carrying out of the Secretary's functions under this Act with respect to such individuals. Notwithstanding any other provision of this Act, or any other law, the Civil Service Commission is authorized to administer the provisions of this Act with respect to any individual employed by the United States (other than an individual employed in the Library of Congress, United States Postal Service, or Postal Rate Commission). Nothing in this subsection shall be construed to affect the right of an employee to bring an action for unpaid minimum wages, or unpaid overtime compensation, and liquidated damages under section 16(b) of this Act."

(c) Section 7 is amended by adding at the end thereof the following new subsection:

"(k) No public agency shall be deemed to have violated subsection (a) with regard to any employee engaged in fire protection or law enforcement activities (including security personnel in correctional institutions) if, pursuant to an agreement or understanding arrived at between the employer and the employee before performance of the work, a work period of twenty-eight consecutive days is accepted in lieu of the workweek of seven consecutive days for purposes of overtime computation and if the employee receives compensation at a rate not less than one and one-half times the regular rate at which he is employed for his employment in excess of—

"(1) one hundred and ninety-two hours in each such twenty-eight day period during the first year from the effective date of the Fair Labor Standards Amendments of 1973;

"(2) one hundred and eighty-four hours in each such twenty-eight day period during the second year from such date;

"(3) one hundred and seventy-six hours in each such twenty-eight day period during the third year from such date;

"(4) one hundred and sixty-eight hours in each such twenty-eight day period during the fourth year from such date; and

"(5) one hundred and sixty hours in each such twenty-eight day period thereafter."

(d) (1) The second sentence of section 16 (b) is amended to read as follows: "Action to recover such liability may be maintained against any employer (including a public agency) in any Federal or State court of

competent jurisdiction by any one or more employees for and in behalf of himself or themselves and other employees similarly situated."

(2) (A) Section 6 of the Portal-to-Portal Pay Act of 1947 is amended by striking out the period at the end of paragraph (c) and by inserting in lieu thereof a semicolon and by adding after such paragraph the following:

"(d) with respect to any cause of action brought under section 16(b) of the Fair Labor Standards Act of 1938 against a State or a political subdivision of a State in a district court of the United States on or before April 18, 1973, the running of the statutory periods of limitation shall be deemed suspended during the period beginning with the commencement of any such action and ending one hundred and eighty days after the effective date of the Fair Labor Standards Amendments of 1973, except that such suspension shall not be applicable if in such action judgment has been entered for the defendant on the grounds other than State immunity from Federal jurisdiction."

(B) Section 11 of such Act is amended by striking out "(b)" after "section 16".

DOMESTIC SERVICE WORKERS

SEC. 7. (a) Section 2(a) is amended by inserting at the end the following new sentence: "The Congress further finds that the employment of persons in domestic service in households affects commerce."

(b) (1) Section 6 is amended by adding after subsection (e) the following new subsection:

"(f) Any employee who in any workweek is employed in domestic service in a household shall be paid wages at a rate not less than the wage rate in effect under section 6(b) unless such employee's compensation for such service would not because of section 209(g) of the Social Security Act constitute 'wages' for purposes of title II of such Act."

(2) Section 7 is amended by adding after the subsection added by section 6(c) of this Act the following new subsection:

"(1) Subsection (a) (1) shall apply with respect to any employee who in any workweek is employed in domestic service in a household unless such employee's compensation for such work would not because of section 209(g) of the Social Security Act constitute 'wages' for purposes of title II of such Act."

(3) Section 13(a) is amended by adding at the end the following new paragraph:

"(15) any employee employed on a casual basis in domestic service employment to provide babysitting services or any employee employed in domestic service employment to provide companionship services for individuals who (because of age or infirmity) are unable to care for themselves (as such terms are defined and delimited by regulations of the Secretary)."

(4) Section 13(b) is amended by striking out the period at the end of paragraph (19) and inserting in lieu thereof "; or" and by adding after that paragraph the following new paragraph:

"(20) any employee who is employed in domestic service in a household and who resides in such household; or"

RETAIL AND SERVICE ESTABLISHMENTS

SEC. 8. (a) Effective July 1, 1974, section 13(a) (2) (relating to employees of retail and service establishments) is amended by striking out "\$250,000" and inserting in lieu thereof "\$225,000".

(b) Effective July 1, 1975, such section is amended by striking out "\$225,000" and inserting in lieu thereof "\$200,000".

(c) Effective July 1, 1976, such section is amended by striking out "or such establishment has an annual dollar volume of sales which is less than \$200,000 (exclusive of excise taxes at the retail level which are separately stated)".

TOBACCO EMPLOYEES

SEC. 9. (a) Section 7 is amended by adding after the subsection added by section 7(b) (2) of this Act the following:

"(m) For a period or periods of not more than fourteen workweeks in the aggregate in any calendar year, any employer may employ any employee for a workweek in excess of that specified in subsection (a) without paying the compensation for overtime employment prescribed in such subsection, if such employee—

"(1) is employed by such employer—

"(A) to provide services (including stripping and grading) necessary and incidental to the sale at auction of green leaf tobacco of type 11, 12, 13, 14, 21, 22, 23, 24, 31, 35, 36, or 37 (as such types are defined by the Secretary of Agriculture) or in auction sale, buying, handling, stemming, redrying, packing, and storing of such tobacco,

"(B) in auction sale, buying, handling, sorting, grading, packing, or storing green leaf tobacco of type 32 (as such type is defined by the Secretary of Agriculture), or

"(C) in auction sale, buying, handling, stripping, sorting, grading, sizing, packing, or stemming prior to packing, of perishable cigar leaf tobacco of type 41, 42, 43, 44, 45, 46, 51, 52, 53, 54, 55, 61, or 62 (as such types are defined by the Secretary of Agriculture); and

"(2) receives for—

"(A) such employment by such employer which is in excess of ten hours in any workday, and

"(B) such employment by such employer which is in excess of forty-eight hours in any workweek, compensation at a rate not less than one and one-half times the regular rate at which he is employed.

An employer who receives an exemption under this subsection shall not be eligible for any other exemption under this section."

(b) (1) Section 13(a) (14) is repealed.

(2) Section 13(b) is amended by adding after the paragraph added by section 7(b) (4) of this Act the following new paragraph: "(21) any agricultural employee employed in the growing and harvesting of shade-grown tobacco who is engaged in the processing (including, but not limited to, drying, curing, fermenting, bulking, rebuilding, sorting, grading, aging, and baling) of such tobacco, prior to the stemming process, for use as cigar wrapped tobacco; or"

TELEGRAPH AGENCY EMPLOYEES

SEC. 10. (a) Section 13(a) (11) (relating to telegraph agency employees) is repealed.

(b) (1) Section 13(b) is amended by adding after the paragraph added by section 9 (b) (2) of this Act the following new paragraph:

"(22) any employee or proprietor in a retail or service establishment, which qualifies as an exempt retail or service establishment under paragraph (2) of subsection (a) with respect to whom the provisions of sections 6 and 7 would not otherwise apply, engaged in handling telegraphic messages for the public under an agency or contract arrangement with a telegraph company where the telegraph message revenue of such agency does not exceed \$500 a month and receives compensation for employment in excess of forty-eight hours in any workweek at a rate not less than one and one-half times the regular rate at which he is employed; or"

(2) Effective one year after the effective date of the Fair Labor Standards Amendments of 1973, section 13(b) (22) is amended by striking out "forty-eight hours" and inserting in lieu thereof "forty-four hours".

(3) Effective two years after such date, section 13(b) (22) is repealed.

SEAFOOD CANNING AND PROCESSING EMPLOYEES

SEC. 11. (a) Section 13(b) (4) (relating to fish and seafood processing employees) is

amended by inserting "who is" after "employee", and by inserting before the semicolon the following: ", and who receives compensation for employment in excess of forty-eight hours in any workweek at a rate not less than one and one-half times the regular rate at which he is employed".

(b) Effective one year after the effective date of the Fair Labor Standards Amendments of 1973, section 13(b)(4) is amended by striking out "forty-eight hours" and inserting in lieu thereof "forty-four hours".

(c) Effective two years after such date, section 13(b)(4) is repealed.

NURSING HOME EMPLOYEES

SEC. 12. (a) Section 13(b)(8) (insofar as it relates to nursing home employees) is amended by striking out "any employee who (A) is employed by an establishment which is an institution (other than a hospital) primarily engaged in the care of the sick, the aged, or the mentally ill or defective who reside on the premises" and the remainder of that paragraph.

(b) Section 7(j) is amended by inserting after "a hospital" the following: "or an establishment which is an institution primarily engaged in the care of the sick, the aged, or the mentally ill or defective who reside on the premises".

HOTEL, MOTEL, AND RESTAURANT EMPLOYEES AND TIPPED EMPLOYEES

SEC. 13. (a) Section 13(b)(8) (insofar as it relates to hotel, motel, and restaurant employees) (as amended by section 12) is amended (1) by striking out "any employee" and inserting in lieu thereof "(A) any employee (other than an employee of a hotel or motel who is employed to perform maid or custodial services) who is", (2) by inserting before the semicolon the following: "and who receives compensation for employment in excess of forty-eight hours in any workweek at a rate not less than one and one-half times the regular rate at which he is employed", and (3) by adding after such section the following:

"(B) any employee who is employed by a hotel or motel to perform maid or custodial services and who receives compensation for employment in excess of forty-eight hours in any workweek at a rate not less than one and one-half times the regular rate at which he is employed; or".

(b) Effective one year after the effective date of the Fair Labor Standards Amendments of 1973, subparagraphs (A) and (B) of section 13(b)(8) are each amended by striking out "forty-eight hours" and inserting in lieu thereof "forty-six hours".

(c) Effective two years after such date, subparagraph (B) of section 13(b)(8) is amended by striking out "forty-six hours" and inserting in lieu thereof "forty-four hours".

(d) Effective three years after such date, subparagraph (B) of section 13(b)(8) is repealed and such section is amended by striking out "(A)".

(e) The last sentence of section 3(m) is amended to read as follows: "In determining the wage of a tipped employee, the amount paid such employee by his employer shall be deemed to be increased on account of tips by an amount determined by the employer, but not by an amount in excess of 50 per centum of the applicable minimum wage rate, except that the amount of the increase on account of tips determined by the employer may not exceed the value of tips actually received by the employee. The previous sentence shall not apply with respect to any tipped employee unless (1) such employee has been informed by the employer of the provisions of this section, and (2) all tips received by such employee have been retained by the employee, except that nothing herein shall prohibit the pooling of tips

among employees who customarily and regularly receive tips."

SALESMEN, PARTSMEN, AND MECHANICS

SEC. 14. Section 13(b)(10) (relating to salesmen, partsmen, and mechanics, is amended to read as follows:

"(10) (A) any salesman primarily engaged in selling automobiles, trailers, trucks, farm implements, boats, or aircraft if he is employed by a non-manufacturing establishment primarily engaged in the business of selling such boats or vehicles to ultimate purchasers; or

"(B) any partsmen primarily engaged in selling parts for automobiles, trucks, or farm implements and any mechanic primarily engaged in servicing such vehicles, if they are employed by a non-manufacturing establishment primarily engaged in the business of selling such vehicles to ultimate purchasers; or".

FOOD SERVICE ESTABLISHMENT EMPLOYEES

SEC. 15. (a) Section 13(b)(18) (relating to food service and catering employees) is amended by inserting immediately before the semicolon the following: "and who receives compensation for employment in excess of forty-eight hours in any workweek at a rate not less than one and one-half times the regular rate at which he is employed".

(b) Effective one year after the effective date of the Fair Labor Standards Amendments of 1973, such section is amended by striking out "forty-eight hours" and inserting in lieu thereof "forty-four hours".

(c) Effective two years after such date, such section is repealed.

BOWLING EMPLOYEES

SEC. 16. (a) Effective one year after the effective date of the Fair Labor Standards Amendments of 1973, section 13(b)(19) (relating to employees of bowling establishments) is amended by striking out "forty-eight hours" and inserting in lieu thereof "forty-four hours".

(b) Effective two years after such date, such section is repealed.

SUBSTITUTE PARENTS FOR INSTITUTIONALIZED CHILDREN

SEC. 17. Section 13(b) is amended by inserting after the paragraph added by section 10(b)(1) of this Act the following new paragraph:

"(23) any employee who is employed with his spouse by a nonprofit education institution to serve as the parents of children—

"(A) who are orphans or one of whose natural parents is deceased, and

"(B) who are enrolled in such institution and reside in residential facilities of the institution, while such children are in residence at such institution,

if such employee and his spouse reside in such facilities, receive, without cost, board and lodging from such institution, and are together compensated, on a cash basis, at an annual rate of not less than \$10,000; or".

EMPLOYEES OF CONGLOMERATES

SEC. 18. Section 13 is amended by adding at the end thereof the following:

"(g) The exemption from section 6 provided by paragraphs (2) and (6) of subsection (a) of this section shall not apply with respect to any employee employed by an establishment (1) which controls, is controlled by, or is under common control with, another establishment the activities of which are not related for a common business purpose to, but materially support, the activities of the establishment employing such employee; and (2) whose annual gross volume of sales made or business done, when combined with the annual gross volume of sales made or business done by each establishment which controls, is controlled by, or is under common control with, the establishment em-

ploying such employee, exceeds \$10,000,000 (exclusive of excise taxes at the retail level which are separately stated), except that the exemption from section 6 provided by subparagraph (2) of subsection (a) of this section shall apply with respect to any establishment described in this subsection which has an annual dollar volume of sales which would permit it to qualify for the exemption provided in paragraph (2) of subsection (a) if it were in an enterprise described in section 3(s)."

SEASONAL INDUSTRY EMPLOYEES

SEC. 19. (a) Effective January 1, 1974, sections 7(c) and 7(d) are each amended—

(1) by striking out "ten workweeks" and inserting in lieu thereof "seven workweeks", and

(2) by striking out "fourteen workweeks" and inserting in lieu thereof "ten workweeks".

(b) Effective January 1, 1974, section 7(c) is amended by striking out "fifty hours" and inserting in lieu thereof "forty-eight hours".

(c) Effective January 1, 1975, sections 7(c) and 7(d) are each amended—

(1) by striking out "seven workweeks" and inserting in lieu thereof "five workweeks", and

(2) by striking out "ten workweeks" and inserting in lieu thereof "seven workweeks".

(d) Effective January 1, 1976, sections 7(c) and 7(d) are each amended—

(1) by striking out "five workweeks" and inserting in lieu thereof "three workweeks", and

(2) by striking out "seven workweeks" and inserting in lieu thereof "five workweeks".

(e) Effective December 31, 1976, sections 7(c) and 7(d) are repealed.

COTTON GINNING AND SUGAR PROCESSING EMPLOYEES

SEC. 20. (a) Effective January 1, 1974, section 13(b)(15) is amended to read as follows:

"(15) any employee engaged in the processing of maple sap into sugar (other than refined sugar) or syrup; or".

(b) (1) Effective January 1, 1974, section 13(b) is amended by adding after paragraph (23) the following new paragraph:

"(24) any employee who is engaged in ginning of cotton for market in any place of employment located in a county where cotton is grown in commercial quantities and who receives compensation for employment in excess of—

"(A) seventy-two hours in any workweek for not more than six workweeks in a year,

"(B) sixty-four hours in any workweek for not more than four workweeks in that year,

"(C) fifty-four hours in any workweek for not more than two workweeks in that year, and

"(D) forty-eight hours in any other workweek in that year,

at a rate not less than one and one-half times the regular rate at which he is employed; or".

(2) Effective January 1, 1975, section 13(b)(24) is amended—

(A) by striking out "seventy-two" and inserting in lieu thereof "sixty-six";

(B) by striking out "sixty-four" and inserting in lieu thereof "sixty";

(C) by striking out "fifty-four" and inserting in lieu thereof "fifty";

(D) by striking out "and" at the end of subparagraph (C); and

(E) by striking out "forty-eight hours in any other workweek in that year" and inserting in lieu thereof the following: "forty-six hours in any workweek for not more than two workweeks in that year, and

"(E) forty-four hours in any other workweek in that year."

(3) Effective January 1, 1976, section 13(b)(24) is amended—

(A) by striking out "sixty-six" and inserting in lieu thereof "sixty";

(B) by striking out "sixty" and inserting in lieu thereof "fifty-six";

(C) by striking out "fifty" and inserting in lieu thereof "forty-eight";

(D) by striking out "forty-six" and inserting in lieu thereof "forty-four"; and

(E) by striking out "forty-four" and inserting in lieu thereof "forty".

(c) (1) Effective January 1, 1974, section 13(b) is amended by adding after paragraph (24) the following new paragraph:

"(25) any employee who is engaged in the processing of sugar beets, sugar beet molasses, or sugar cane into sugar (other than refined sugar) or syrup and who receives compensation for employment in excess of—

"(A) seventy-two hours in any workweek for not more than six workweeks in a year,

"(B) sixty-four hours in any workweek for not more than four workweeks in that year,

"(C) fifty-four hours in any workweek for not more than two workweeks in that year, and

"(D) forty-eight hours in any other workweek in that year, at a rate not less than one and one-half times the regular rate at which he is employed; or".

(2) Effective January 1, 1975, section 13(b) (25) is amended—

(A) by striking out "seventy-two" and inserting in lieu thereof "sixty-six";

(B) by striking out "sixty-four" and inserting in lieu thereof "sixty";

(C) by striking out "fifty-four" and inserting in lieu thereof "fifty";

(D) by striking out "and" at the end of subparagraph (C); and

(E) by striking out "forty-eight hours in any other workweek in that year" and inserting in lieu thereof the following: "forty-six hours in any workweek for not more than two workweeks in that year, and

"(F) forty-four hours in any other workweek in that year.".

(3) Effective January 1, 1976, section 13(b) (25) is amended—

(A) by striking out "sixty-six" and inserting in lieu thereof "sixty";

(B) by striking out "sixty" and inserting in lieu thereof "fifty-six";

(C) by striking out "fifty" and inserting in lieu thereof "forty-eight";

(D) by striking out "forty-six" and inserting in lieu thereof "forty-four"; and

(E) by striking out "forty-four" and inserting in lieu thereof "forty".

LOCAL TRANSIT EMPLOYEES

Sec. 21. (a) Section 7 is amended by adding after the subsection added by section 9(a) of this Act the following new subsection:

"(n) In the case of an employee of an employer engaged in the business of operating a street, suburban or interurban electric railway, or local trolley or motorbus carrier (regardless of whether or not such railway or carrier is public or private or operated for profit or not for profit) in determining the hours of employment of such an employee to which the rate prescribed by subsection (a) applies there shall be excluded the hours such employee was employed in charter activities by such employer if (1) the employee's employment in such activities was pursuant to an agreement or understanding with his employer arrived at before engaging in such employment, and (2) if employment in such activities is not part of such employee's regular employment."

(b) (1). Section 13(b) (7) (relating to employees of street, suburban, or interurban electric railways or local trolley or motorbus carriers) is amended by striking out ", if the rates and services of such railway or carrier

are subject to regulation by a State or local agency" and inserting in lieu thereof the following: "(regardless of whether or not such railway or carrier is public or private or operated for profit or not for profit), if such employee receives compensation for employment in excess of forty-eight hours in any workweek at a rate not less than one and one-half times the regular rate at which he is employed".

(2) Effective one year after the effective date of the Fair Labor Standards Amendments of 1973, such section is amended by striking out "forty-eight hours" and inserting in lieu thereof "forty-four hours".

(3) Effective two years after such date, such section is repealed.

COTTON AND SUGAR SERVICES EMPLOYEES

Sec. 22. Section 13 is amended by adding after the subsection added by section 18(a) the following:

"(h) The provisions of section 7 shall not apply for a period or periods of not more than fourteen workweeks in the aggregate in any calendar year to any employee who—

"(1) is employed by such employer—

"(A) exclusively to provide services necessary and incidental to the ginning of cotton in an establishment primarily engaged in the ginning of cotton;

"(B) exclusively to provide services necessary and incidental to the receiving, handling and storing of raw cotton and the compressing of raw cotton when performed at a cotton warehouse or compress-warehouse facility, other than one operated in conjunction with a cotton mill, primarily engaged in storing and compressing;

"(C) exclusively to provide services necessary and incidental to the receiving, handling, storing, and processing of cottonseed in an establishment primarily engaged in the receiving, handling, storing and processing of cottonseed; and

"(D) exclusively to provide services necessary and incidental to the processing of sugar cane or sugar beets in an establishment primarily engaged in the processing of sugar cane or sugar beets; and".

"(2) receives for—

"(A) such employment by such employer which is in excess of ten hours in any workday, and

"(B) such employment by such employer which is in excess of forty-eight hours in any workweek, compensation at a rate not less than one and one-half times the regular rate at which he is employed.

Any employer who receives an exemption under this subsection shall not be eligible for any other exemption under this section or section 7."

OTHER EXEMPTIONS

Sec. 23. (a) (1) Section 13(a) (9) (relating to motion picture theater employees) is repealed.

(2) Section 13(b) is amended by adding after paragraph (25) the following new paragraph:

"(26) any employee employed by an establishment which is a motion picture theater;".

(b) (1) Section 13(a) (13) (relating to small logging crews) is repealed.

(2) Section 13(b) is amended by adding after paragraph (26) the following new paragraph:

"(27) any employee employed in planting or tending trees, cruising, surveying, or felling timber, or in preparing or transporting logs or other forestry products to the mill, processing plant, railroad, or other transportation terminal, if the number of employees employed by his employer in such forestry or lumbering operations does not exceed eight."

(c) Section 13(b) (2) (insofar as it relates to pipeline employees) is amended by inserting after "employer" the following: "en-

gaged in the operation of a common carrier by rail and".

EMPLOYMENT OF STUDENTS

Sec. 24. (a) Section 14 is amended by striking out subsections (a), (b), and (c) and inserting in lieu thereof the following:

"Sec. 14. (a) The Secretary, to the extent necessary in order to prevent curtailment of opportunities for employment, shall by regulations or by orders provide for the employment of learners, of apprentices, and of messengers employed primarily in delivering letters and messages, under special certificates issued pursuant to regulations of the Secretary, at such wages lower than the minimum wage applicable under section 6 and subject to such limitations as to time, number, proportion, and length of service as the Secretary shall prescribe.

"(b) (1) (A) The Secretary, to the extent necessary in order to prevent curtailment of opportunities for employment, shall by special certificate issued under a regulation or order provide, in accordance with subparagraph (B), for the employment, at a wage rate not less than 85 per centum of the otherwise applicable wage rate in effect under section 6 or not less than \$1.60 an hour, whichever is the higher (or in the case of employment in Puerto Rico or the Virgin Islands not described in section 5(e), at a wage rate not less than 85 per centum of the otherwise applicable wage rate in effect under section 6(c)), of full-time students (regardless of age but in compliance with applicable child labor laws) in retail or service establishments.

"(B) Except as provided in paragraph (4) (B), the proportion of student hours of employment under special certificates issued under subparagraph (A) to the total hours of employment of all employees in any retail or service establishment may not exceed (i) such proportion for the corresponding month of the twelve-month period preceding May 1, 1961, (ii) in the case of a retail or service establishment whose employees (other than employees engaged in commerce or in the production of goods for commerce) are covered by this Act for the first time on or after the effective date of the Fair Labor Standards Amendments of 1966 or the Fair Labor Standards Amendments of 1973, such proportion for the corresponding month of the twelve-month period immediately prior to the applicable effective date, or (iii) in the case of a retail or service establishment coming into existence after May 1, 1961, or a retail or service establishment for which records of student hours worked are not available, a proportion of student hours of employment to total hours of employment of all employees based on the practice during the twelve-month period preceding May 1, 1961, in similar establishments of the same employer in the same general metropolitan area in which the new establishment is located, similar establishments of the same employer in the same or nearby counties if the new establishment is not in a metropolitan area, or other establishments of the same general character operating in the community or the nearest comparable community. For the purpose of the preceding sentence, the term "student hours of employment" means student hours worked at less than \$1.00 an hour, except that such term shall include, in States whose minimum wages were at or above \$1.00 an hour in the base year, hours worked by students at the State minimum wage in the base year.

"(2) The Secretary, to the extent necessary in order to prevent curtailment of opportunities for employment, shall by special certificate issued under a regulation or order provide for the employment, at a wage rate not less than 85 per centum of the wage rate in effect under section 6(a) (5) or not less than \$1.30 an hour, whichever is the higher

(or in the case of employment in Puerto Rico or the Virgin Islands not described in section 5(e), at a wage rate not less than 85 per centum of the wage rate in effect under section 6(c)(3)), of full-time students (regardless of age but in compliance with applicable child labor laws) in any occupation in agriculture.

"(3) The Secretary, to the extent necessary in order to prevent curtailment of opportunities for employment, shall by special certificate issued under a regulation or order provide for the employment by an institution of higher education, at a wage rate not less than 85 per centum of the otherwise applicable wage rate in effect under section 6 or not less than \$1.60 an hour, whichever is the higher (or in the case of employment in Puerto Rico or the Virgin Islands not described in section 5(e), at a wage rate not less than 85 per centum of the wage rate in effect under section 6(c)), of full-time students (regardless of age but in compliance with applicable child labor laws) who are enrolled in such institution. The Secretary shall by regulation prescribe standards and requirements to insure that this paragraph will not create a substantial probability of reducing the full-time employment opportunities of persons other than those to whom the minimum wage rate authorized by this paragraph is applicable.

"(4) (A) A special certificate issued under paragraph (1), (2), or (3) shall provide that the student or students for whom it is issued shall, except during vacation periods, be employed on a part-time basis and not in excess of twenty hours in any workweek.

"(B) If the issuance of a special certificate under paragraph (1) or (2) for an employer will cause the number of students employed by such employer under special certificates issued under this subsection to exceed four, the Secretary may not issue such a special certificate for the employment of a student by such employer unless the Secretary finds employment of such student will not create a substantial probability of reducing the full-time employment opportunities of persons other than those employed under special certificates issued under this subsection. If the issuance of a special certificate under paragraph (1) or (2) for an employer will not cause the number of students employed by such employer under special certificates issued under this subsection to exceed four—

"(1) the Secretary may issue a special certificate under paragraph (1) or (2) for the employment of a student by such employer if such employer certifies to the Secretary that the employment of such student will not reduce the full-time employment opportunities of persons other than those employed under special certificates issued under this subsection, and

"(11) in the case of an employer which is a retail or service establishment, subparagraph (B) of paragraph (1) shall not apply with respect to the issuance of special certificates for such employer under such paragraph.

The requirement of this subparagraph shall not apply in the case of the issuance of special certificates under paragraph (3) for the employment of full-time students by institutions of higher education; except that if the Secretary determines that an institution of higher education is employing students under certificates issued under paragraph (3) but in violation of the requirements of that paragraph or of regulations issued thereunder, the requirements of this subparagraph shall apply with respect to the issuance of special certificates under paragraph (3) for the employment of students by such institution.

"(C) No special certificate may be issued under this subsection unless the employer for whom the certificate is to be issued provides evidence satisfactory to the Secretary

of that student status of the employees to be employed under such special certificate."

(b) Section 14 is further amended by redesignating subsection (d) as subsection (c) and by adding at the end the following new subsection:

"(d) The Secretary may by regulation or order provide that sections 6 and 7 shall not apply with respect to the employment by any elementary or secondary school of its students if such employment constitutes, as determined under regulations prescribed by the Secretary, an integral part of the regular education program provided by such school and such employment is in accordance with applicable child labor laws."

(c) Section 4(d) is amended by adding at the end thereof the following new sentence: "Such report shall also include a summary of the special certificates issued under section 14(b)."

CHILD LABOR

SEC. 25. (a) Section 12 (relating to child labor) is amended by adding at the end thereof the following new subsection:

"(d) In order to carry out the objectives of this section, the Secretary may by regulation require employers to obtain from any employee proof of age."

(b) Effective January 1, 1974, section 13 (c)(1) (relating to child labor in agriculture) is amended to read as follows:

"(c)(1) Except as provided in paragraph (2), the provisions of section 12 relating to child labor shall not apply to any employee employed in agriculture outside of school hours for the school district where such employee is living while he is so employed, if such employee—

"(A) is less than twelve years of age and (i) is employed by his parent or by a person standing in the place of his parent, on a farm owned or operated by such parent or person, or (ii) is employed, with the consent of his parent or person standing in the place of his parent, on a farm, none of the employees of which are (because of section 13(a)(6)(A)) required to be paid at the wage rate prescribed by section 6(a)(5),

"(B) is twelve years or thirteen years of age and (1) such employment is with the consent of his parent or person standing in the place of his parent, or (ii) his parent or such person is employed on the same farm as such employee, or

"(C) is fourteen years of age or older."

(c) Section 16 is amended by adding at the end thereof the following new subsection:

"(e) Any person who violates the provisions of section 12, relating to child labor, or any regulation issued under that section, shall be subject to a civil penalty of not to exceed \$1,000 for each such violation. In determining the amount of such penalty, the appropriateness of such penalty to the size of the business of the person charged and the gravity of the violation shall be considered. The amount of such penalty, when finally determined, may be—

"(1) deducted from any sums owing by the United States to the person charged;

"(2) recovered in a civil action brought by the Secretary in any court of competent jurisdiction, in which litigation the Secretary shall be represented by the Solicitor of Labor; or

"(3) ordered by the court, in an action brought under section 15(a)(4), to be paid to the Secretary.

Any administrative determination by the Secretary of the amount of such penalty shall be final, unless within fifteen days after receipt of notice thereof by certified mail the person charged with the violation takes exception to the determination that the violations for which the penalty is imposed occurred, in which event final determination of the penalty shall be made in an administrative proceeding after opportunity for hearing in accordance with section 554 of title 5, United States Code, and regulations to be

promulgated by the Secretary. Sums collected as penalties pursuant to this section shall be applied toward reimbursement of the costs of determining the violations and assessing and collecting such penalties, in accordance with the provisions of section 2 of an Act entitled "An Act to authorize the Department of Labor to make special statistical studies upon payment of the cost thereof, and for other purposes" (29 U.S.C. 9a)."

SUITS BY SECRETARY FOR BACK WAGES

SEC. 26. The first three sentences of section 16(c) are amended to read as follows: "The Secretary is authorized to supervise the payment of the unpaid minimum wages or the unpaid overtime compensation owing to any employee or employees under sections 6 or 7 of this Act, and the agreement of any employee to accept such payment shall upon payment in full constitute a waiver by such employee of any right he may have under subsection (b) of this section to such unpaid minimum wages or unpaid overtime compensation and an additional equal amount as liquidated damages. The Secretary may bring an action in any court of competent jurisdiction to recover the amount of the unpaid minimum wages or overtime compensation and an equal amount as liquidated damages. The right provided by subsection (b) to bring an action by or on behalf of any employee and of any employee to become a party plaintiff to any such action shall terminate upon the filing of a complaint by the Secretary in an action under this subsection in which a recovery is sought of unpaid minimum wages or unpaid overtime compensation under sections 6 and 7 or liquidated or other damages provided by this subsection owing to such employee by an employer liable under the provision of subsection (b), unless such action is dismissed without prejudice on motion of the Secretary."

ECONOMIC EFFECTS STUDIES

SEC. 27. Section 4(d) is amended by—
(1) inserting "(1)" immediately after "(d)",
(2) inserting in the second sentence after the term "minimum wages" the following: "and overtime coverage"; and
(3) by adding at the end thereof the following new paragraph:

"(2) The Secretary shall conduct studies on the justification or lack thereof for each of the special exemptions set forth in section 13 of this Act, and the extent to which such exemptions apply to employees of establishments described in subsection (g) of such section and the economic effects of the application of such exemptions to such employees. The Secretary shall submit a report of his findings and recommendations to the Congress with respect to the studies conducted under this paragraph not later than January 1, 1976."

EFFECTIVE DATE

SEC. 28. (a) Except as otherwise specifically provided, the amendments made by this Act shall take effect on the first day of the second full month which begins after the date of the enactment of this Act.

(b) Notwithstanding subsection (a), on and after the date of the enactment of this Act the Secretary of Labor is authorized to prescribe necessary rules, regulations, and orders with regard to the amendments made by this Act.

And the Senate agree to the same.

CARL D. PERKINS,
FRANK THOMPSON, JR.
JOHN H. DENT,
DOMINICK V. DANIELS,
PHILLIP BURTON,
JOSEPH M. GAYDOS,
WILLIAM CLAY,
MARIO BIAGGI,
ROMANO L. MAZZOLI,

Managers on the Part of the House.

HARRISON WILLIAMS,
JENNINGS RANDOLPH,
CLAIBORNE PELL,
GAYLORD NELSON,
THOMAS F. EAGLETON,
HAROLD E. HUGHES,
WILLIAM D. HATHAWAY,
JACOB K. JAVITS,
RICHARD S. SCHWEICKER,
ROBERT T. STAFFORD,

Managers on the Part of the Senate.

JOINT EXPLANATORY STATEMENT OF THE
COMMITTEE OF CONFERENCE

The managers on the part of the House and the Senate at the conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R. 7935) to amend the Fair Labor Standards Act of 1938 to increase the minimum wage rates under that Act, to expand the coverage of that Act, and for other purposes, submit the following joint statement to the House and the Senate in explanation of the effect of the action agreed upon by the managers and recommended in the accompanying conference report:

The House recedes from its disagreement to the amendment of the Senate with an amendment which is a substitute for the House bill and the Senate amendment. The differences between the House bill, the Senate amendment, and the substitute agreed to in conference are noted below, except for clerical corrections, conforming changes made necessary by agreements reached by the conferees, and minor drafting and clarifying changes.

The House bill provided the following dollar amounts for the minimum wage:

1. Nonagricultural Employees.
 - A. Covered before 1966.
 - \$2.00 an hour during the period ending June 30, 1974.
 - \$2.20 an hour after June 30, 1974.
 - B. Covered in 1966 or 1973.
 - \$1.80 an hour during the period ending June 30, 1974.
 - \$2.00 an hour during the year beginning July 1, 1974.
 - \$2.20 an hour after June 30, 1975.
- Note: Presently covered Federal employees would receive two-step increase described in item 1A.
2. Agricultural Employees.
 - \$1.60 an hour during the period ending June 30, 1974.
 - \$1.80 an hour during the year beginning July 1, 1974.
 - \$2.00 an hour during the year beginning July 1, 1975.
 - \$2.20 an hour after June 30, 1976.

The Senate amendment provided the following dollar amounts for the minimum wage:

1. Nonagricultural Employees.
 - A. Covered before 1966.
 - \$2.00 an hour during 1st year.
 - \$2.20 an hour thereafter.
 - B. Covered in 1966 or 1973.
 - \$1.80 an hour during 1st year.
 - \$2.00 an hour during 2d year.
 - \$2.20 an hour thereafter.
- Note: Presently covered Federal employees would receive two-step increase described in item 1A.
2. Agricultural Employees.
 - \$1.60 an hour during 1st year.
 - \$1.80 an hour during 2d year.
 - \$2.00 an hour during 3d year.
 - \$2.20 an hour thereafter.

The Senate receded.

Both the House bill and the Senate amendment contained provisions relating to employees in Puerto Rico and the Virgin Islands. Both provided for hotel, motel, restaurant and food service employees on the islands to be treated for wage computation as if employed on the United States mainland. In addition, the House bill provided that Fed-

eral Government and Virgin Islands Government employees be treated for wage computation as if employed on the mainland. The Senate amendment differed by mandating mainland rates for employees of Puerto Rico, the Virgin Islands, and their political subdivisions. The House bill also contained a provision that employees of conglomerates be treated for wage computation as if employed on the United States mainland. The Senate amendment had no such provision.

For other covered workers in Puerto Rico and the Virgin Islands, the House bill provided wage order rates as follows:

1. Nonagricultural employees covered before 1966 to be increased by 25 percent of the pre-1973 rate and by 12.5% of such rate after one year after the first increase takes effect;
2. Nonagricultural employees covered in 1966 to be increased by three annual increases of 12.5% of such rate;
3. Agricultural employees to be increased by three annual increases of 15.4% of such rate (subsidized employees will have their increases applied to their wage rate as subsidized); and
4. Newly covered employees' rates to be set by special industry committees appointed under section 5.

No wage rate under a wage order could be less than 60 percent of the otherwise applicable wage rate in effect for U.S. mainland employees.

The Senate amendment provided as follows:

1. In first year for employees covered before 1973.—Any rate less than \$0.80 an hour to be increased to \$1. Subsidized agricultural employees will have their increase applied to their wage rate as increased by the subsidy. Any rate more than \$0.80 an hour to be increased by \$0.20 an hour.
2. In first year for employees covered in 1973.—Special industry committee to set rate at not less than \$1.60 an hour, except that if an industry (or predominant portion thereof) established its inability to pay, wage rate to be not less than \$1 an hour.
3. In second year and in each year thereafter for all employees.—Wage rate to be increased by \$0.20 an hour in each year until the wage rate under section 6(a) is reached.
4. No wage rate under a wage order may result in reducing the increases provided in the Senate amendment.

The House bill retained the special industry committees which can adjust upward the wage rate increases required under the Act, and set rates for newly covered industries. It also retained the hardship review committees which could lower the amount of the mandated raises, in the face of documentary evidence of an inability to pay the mandated rates.

The Senate amendments retained the special industry committees which could raise the wage order rates above the mandated level, but not lower them. Hardship review committees would be discontinued. Special industry committees were authorized to establish wage rates for newly covered industries.

The Senate recedes with an amendment as follows:

- (1) Effective on the effective date of the legislation, presently covered employees are to receive the following increases:
 - (A) increases of 12 cents an hour if their wage order rates are less than \$1.40 an hour; and
 - (B) increase of 15 cents an hour if their wage order rates are \$1.40 an hour or higher.

An exception to this first increase is provided in the case of employees whose wage orders are increased during the period July 26 to the effective date of the legislation. With respect to such employees they are to receive this first increase only if the increase which they received during such pe-

riod was less than this first increase and if it was less they are to receive the difference between the two increases.

(2) Newly covered employees (including commonwealth and municipal employees) are to have their wage rates set by special industry committees and this wage rate may not be less than 60 percent of the otherwise applicable rate under section 6(b) or \$1.00 an hour, whichever is greater.

(3) All employees (other than commonwealth and municipal employees) will receive, beginning one year after the effective date of this legislation, yearly increases as follows:

(A) increases of 12 cents an hour per year if their wage order rates are less than \$1.40, and

(B) increases of 15 cents an hour per year if their wage order rates are \$1.40 an hour or higher.

Under this provision, when an employee's wage rate reaches \$1.40 he will then receive the 15 cents annual increases. If such an increase for any employee will result in a wage order rate less than 60 percent of the otherwise applicable minimum wage or \$1.00 an hour, which ever is greater, then the increase for such employee will be such greater figure.

(4) If a prescribed increase in the wage order rate of an employee would result in a rate equal to or greater than the otherwise applicable minimum wage rate of section 6(a) or (b), the minimum wage rate for that employee will be governed by such section and such employee will no longer be covered under a wage order.

(5) It is made clear that special industry committees may, in accordance with section 8, also provide increases in wage order rates (including rates for commonwealth and municipal employees).

(6) The authority for hardship review of the increases by special committees is discontinued.

(7) The following employees in Puerto Rico and the Virgin Islands are to have their rates set as if they were employed in the United States mainland: hotel, motel, restaurant and food services employees and United States employees and employees of the government of the Virgin Islands.

The House bill also provided that special industry committees shall recommend the otherwise applicable rate under section 6(a) or 6(b) except where substantial documentary evidence, including pertinent financial information, demonstrates an inability to pay such rate. The Senate amendment provided that the same substantial documentary evidence is required before a special industry committee could recommend less than \$1.60 an hour for newly covered employees. The Senate receded.

The House bill further provided that a court of appeals may upon review of a wage order specify the minimum wage rate to be included in such wage order. The Senate amendment has no corresponding provision. The Senate receded.

With respect to Canal Zone employees, the House bill provided that the increase in the minimum wage prescribed by the 1973 Amendments would not apply to Canal Zone employees. The Senate amendment had no corresponding provision. The House receded.

The Senate amendment repealed the provision excluding the annual gross volume of so-called "Mom and Pop" stores which are part of enterprises from computation of annual gross volume of such enterprises, but continued the exclusion from coverage for such stores. The House bill contained no corresponding provision. The Senate receded.

The Senate amendment exempted from the Act's child labor provisions newsboys delivering shopping news and advertising material published by the newspaper, and repealed the child labor, minimum wage, and overtime exemptions currently applicable to

homeworkers engaged in the making of holly wreaths from evergreens. The House bill had no corresponding provision. The Senate receded.

The House bill contained a minimum wage and overtime exemption for couples who serve as house-parents for children placed in an institution primarily operated to provide for their care and education. Individuals would have to be paid not less than \$5,000 a year in cash wages and couples would have to be paid not less than \$10,000 a year in cash wages. Couples would have to reside on the premises and receive their board and lodging without cost but with a provision allowing up to 30 percent credit against wages for board and lodging. The Senate amendment provided only an overtime exemption, applied only to couples who must be paid not less than \$10,000 a year in cash wages, reside on the premises and receive their board and lodging without cost, and required that employees be employed to serve as parents of children who are orphans or have one parent deceased. The House receded.

The House bill required workers employed under service contracts with the U.S. whose wage rate is prescribed by section 6(e) to be paid at the section 6(a) rate. Presently, such employees are to be paid at the section 6(b) rate unless employed under certain linen supply contracts with the U.S., in which event they are to be paid at the section 6(a) rate. The Senate amendment required that all such employees be paid at the section 6(b) rate. Provision for the section 6(a) rate for certain linen supply contract employees would be repealed. The House and Senate agreed to retain the present language of section 6(e).

With regard to youth, the House bill changed existing laws (secs. 14 (b) and (c)) respecting employment of fulltime students at less than the minimum wage by—

(1) expanding employment permitted under these provisions from retail or service establishments and agriculture to any occupation other than a specified one or one determined by the Secretary to be particularly hazardous and removing the limit on the proportion of student hours of employment to total hours of employment for all employees;

(2) prescribing a new wage floor of the higher of 85 percent of the otherwise applicable minimum wage or \$1.60 (or \$1.30 in the case of agriculture), except for employment in Puerto Rico or the Virgin Islands where the floor is 85 percent of the otherwise applicable minimum; and

(3) except in the case of educational institutions, requiring (A) a finding of no substantial probability of job displacement if 5 or more students are to be employed, and (B) a certification by employer of no reduction in fulltime employment opportunities if less than 5 students are to be employed. The bill also required a summary of certificates issued to be included in the annual report.

The Senate amendment changed such law by expanding employment permitted to include private institutions of higher learning (but retaining for employment in retail or service establishments the existing limit on proportion of student hours of employment, except that in determining student hours of employment for purposes of such limit only those student hours (A) worked at less than \$1.00 an hour, or (B) if the applicable State minimum wage law was in the base year at or above \$1.00 a hour, worked in the base year at that minimum wage, would be included). The amendment retained the existing floor of 85 percent of the otherwise applicable minimum and made no change in the requirement of a finding of no substan-

tial probability of job displacement before employment permitted, except that in the case of private institutions of higher learning no prior certification would be required unless such institutions violate the Secretary's requirements. The Senate receded with an amendment.

Under the amendment sections 14(a)-(c) will permit the employment at less than the minimum wage as follows:

1. The Secretary of Labor, to the extent necessary to prevent curtailment of opportunities for employment, shall by regulations or by orders provide for the employment of learners, apprentices, and of messengers employed primarily in delivering letters and messages, under special certificates at such wages lower than the minimum wage applicable under section 6, and subject to such limitation as to time, number, proportion, and length of service as the Secretary shall prescribe.

2. A. Full time students may be employed in retail and service establishments, at rates not less than 85 percent of the applicable minimum wage, or \$1.60, whichever is higher (or 85 percent of the section 6(c) rate in the case of employment in Puerto Rico or the Virgin Islands) for a period of up to 20 hours per week (full time during vacation periods). Up to 4 students may be hired without the need for traditional pre-certification procedure (that is, a finding of no substantial probability of job displacement before the issuance of certificates) or the need to meet the historical experience test concerning the proportion of student hours worked during a base year, as set forth below. If more than four students are hired the existing pre-certification procedure will continue to apply and the proportion of student hours of employment (including for this purpose the first four students), to total hours of employment of all employees, shall not exceed such proportion for the corresponding twelve month period before the establishment was covered by the Act.

B. Full time students may be employed in agriculture at rates not less than 85 percent of the applicable minimum wage, or \$1.30, whichever is higher (or 85 percent of the section 6(c) rate in the case of employment in Puerto Rico or the Virgin Islands) for a period of up to 20 hours per week (full time during vacation periods). For each student so employed after the fourth, the Secretary of Labor must find that such employment will not reduce the full-time employment of non-students before issuing certificates.

C. Full time students may be employed in higher educational institutions, at rates not less than 85 percent of the applicable minimum wage, or \$1.60, whichever is higher, and a period of up to 20 hours per week (full time during vacation periods).

The conferees emphasize that the Secretary is to look to the number of students employed by an employer at any one time and not in a cumulative sense, in determining which certification procedure applies and the applicability of the historical proportion of student employment pursuant to the provision.

The House bill also provided a minimum wage and overtime exemption for students employed by an elementary or secondary school if the employment constitutes an integral part of the school's regular education program. The Senate amendment contained no corresponding provision. The Senate receded with an amendment which provides that the employment must satisfy applicable child labor provisions.

Both the House and Senate versions of the bill expanded the coverage of the Fair Labor Standards Act.

The House bill extended minimum wage and overtime protection to all employees in

domestic service unless such employees' compensation would not, because of section 209(g) of the Social Security Act (requiring \$50 in a calendar quarter for social security coverage), constitute wages for purposes of title II of that Act. Such employees who reside in a household would be excluded from coverage. The Senate amendment covered both day workers and "live-in" domestics, but provided only minimum wage protection for such employees and excluded babysitters from coverage.

The Senate receded to the House provision with an amendment to include "live-in" household service employees for minimum wage purposes but exclude them from overtime coverage. The amendment also contains a new exemption provision for certain babysitters and companions.

It is the intent of the conferees to include within the coverage of the Act all employees whose vocation is domestic service. However, the exemption reflects the intent of the conferees to exclude from coverage babysitters for whom domestic service is a casual form of employment and companions for individuals who are unable because of age and infirmity to care for themselves. But it is not intended that trained personnel such as nurses, whether registered or practical, shall be excluded.

The conferees believe that the people who will be employed in the excluded categories are not regular bread-winners or responsible for their families' support. The fact that these people performing casual services as babysitters or services as companions do some incidental household work does not keep them from being casual babysitters or companions for purposes of this exclusion.

The Senate amendment extended minimum wage and overtime protection to civilian employees in the military departments, employees in executive agencies, employees of the U.S. Postal Service and the Postal Rate Commission, legislative and judicial employees in the competitive service, Library of Congress employees, and employees employed by any State or political subdivision of a State other than elected officials and certain aides not covered by civil service or by any interstate governmental agency. In addition, a limited overtime exemption was provided for policemen, firemen, and employees of correctional institutions if under an agreement entered into between the employer and the employee a work period of 28 consecutive days is accepted in lieu of a workweek of 7 consecutive days and if overtime compensation is to be paid for employment in excess of 192 hours in such work period during the first year, 184 hours in such period during the second year, 176 hours in such period during the third year, 168 hours in such period during the fourth year, and 160 hours in such period thereafter.

The Senate amendment also provided that the Civil Service Commission would administer application of the Act to Federal employees other than Postal employees and Library of Congress employees. The House bill provided minimum wage and overtime protection to employees of States and their political subdivisions, and minimum wage protection to all United States employees. Overtime protection extended to certain United States employees in 1966 was retained. The House bill also provided an overtime exemption for State and political subdivision employees engaged in fire protection or law enforcement activities, and made no specific provision for administration of the Act. The Secretary of Labor would administer the Act to Federal employees.

The House receded with an amendment to treat Federal employees working as policemen, firemen, or in correctional institutions

in the same manner as such State employees for the purposes of overtime.

These special overtime provisions are applicable to Federal law enforcement and fire protection activities. The conferees note, however, that such professional Federal employees as criminal investigators for the Federal Bureau of Investigation will be exempt by virtue of the provisions of Section 13(a) (1).

The conferees intend that the provisions of section 5341 of title 5, United States Code, requiring the section 6(a)(1) rate for prevailing rate system employees, will continue to apply.

The Senate amendment expanded the coverage of large retail and service activities to include employees of all establishments of chain operations in which the chain enterprise has gross annual sales of more than \$250,000. The House bill had no similar provision. The Senate receded with an amendment that phased out the dollar volume establishment test in sec. 13(a)(2) as follows:

1. \$250,000 until July 1, 1974.
2. \$225,000 on and after July 1, 1974.
3. \$200,000 on and after July 1, 1975.
4. Repealed July 1, 1978.

This provision is applicable equally to employees of certain establishments which are part of covered enterprises, whether those enterprises are complete business entities in and of themselves, or parts of other unrelated business activities such as in a so-called conglomerate.

With regard to agricultural employees the Senate amendment repealed the minimum wage exemption for local seasonal hand harvest laborers. Further, the days in which an employer employs seasonal hand harvest laborers would be included in determining if an employer uses the minimum number of man-days of labor which is required before minimum wage applies (500 man-days). The House bill contained no such provision. The Senate receded with an amendment to maintain the exemption for seasonal hand harvest laborers from minimum wage, but to include such workers as employees for purposes of the man-day test for coverage.

The Senate amendment repealed the limited overtime exemption provided by sections 7(c) and 7(d) for employees or industries found to be of a seasonal nature or characterized by marked annually recurring seasonal peaks of operation. The House bill contained no such provision. The Senate receded with an amendment which provided for a phase out of section 7(c) and 7(d) exemptions other than for cotton processing and sugar processing, as follows:

1. On January 1, 1974 the seasonal periods for exemption are reduced from 10 weeks to 7 weeks and from 14 weeks to 10 weeks.
2. On such date, the workweek exemptions are reduced from 50 hours to 48 hours.
3. Effective 1 year after such date, the seasonal periods for exemption are reduced from 7 weeks to 5 weeks and from 10 weeks to 7 weeks.
4. Effective 2 years after such date, the seasonal periods for exemption are reduced from 5 weeks to 3 weeks and from 7 weeks to 5 weeks.
5. Effective three years after such date, sections 7(c) and 7(d) are repealed.

The Senate amendment provided that the overtime exemption for cotton ginning and sugar processing employees (other than employees engaged in processing maple sap into maple syrup or maple sugar) be repealed. The House bill contained no such provision. The Senate receded with an amendment to phase down the overtime exemption for cotton ginning and sugar processing employees as follows:

1. In 1973, there is no change in the present overtime exemption.
2. In 1974, the workweek exemption is as follows: 72 hours each week for 6 weeks of the year; 64 hours each week for 4 weeks of the year; 54 hours each week for 2 weeks of the year; 48 hours each week for the balance of the year.
3. In 1975, the workweek exemption is as follows: 66 hours each week for 6 weeks of the year; 60 hours each week for 4 weeks of the year; 50 hours each week for 2 weeks of the year; 46 hours each week for 2 weeks of the year; 44 hours each week for the balance of the year.
4. In 1976, the workweek exemption is as follows: 60 hours each week for 6 weeks of the year; 56 hours each week for 4 weeks of the year; 48 hours each week for 2 weeks of the year; 44 hours each week for 2 weeks of the year; 40 hours each week for the balance of the year.

The workweek exemptions are applicable during the actual season within a period of twelve consecutive months as opposed to the calendar year and are not limited to a period of consecutive weeks.

In addition, the cotton processing and sugar processing exemptions under section 7 of the law are retained but limited to 48 hours during the appropriate weeks. Furthermore, it is provided that an employer who receives an exemption under this subsection will not be eligible for other overtime exemptions under section 13(b) (24) or (25) or section 7.

The Senate amendment repealed the minimum wage and overtime exemption for employees of motion picture theaters. The House bill contained no such provision. The Senate receded with an amendment which repealed the minimum wage exemption and which continues the overtime exemption for these employees.

The Senate amendment repealed the minimum wage exemption applicable to forestry and lumbering operations with 8 or fewer employees. The overtime exemption for such operations is retained. The House bill had no such provision. The House receded.

The House bill provided for a limited overtime exemption (14 weeks, 10 hours per day, and 48 hours per week) for certain employees engaged in activities related to the sale of tobacco. Such employees are currently covered by the section 7(c) exemption pursuant to determination by the Secretary. The Senate amendment had no corresponding provision. The Senate receded.

The Senate amendment repealed the minimum wage and overtime exemption for employees engaged in the processing of shade grown tobacco prior to the stemming process for use as cigar wrapper tobacco. The House bill had no such provision. The Senate receded with an amendment to maintain the overtime exemption for these employees.

The Senate amendment repealed the overtime exemption for employees of oil pipeline transportation companies. The House bill had no such provision. The House receded.

The Senate amendment repealed the minimum wage and overtime exemption for persons engaged in handling telegraph messages for the public under an agency or contract arrangement with a telegraph company, if they are so engaged in retail or service establishments exempt under section 13(a) (2) and if the revenues for such messages are less than \$500 a month. The House bill contained no corresponding provision. The Senate receded with an amendment to phase out the overtime exemption as follows:

1. 48 hours in the first year after the effective date.
2. 44 hours in the second year.

3. Repealed thereafter.

The Senate amendment repealed the overtime exemption for seafood canning and processing employees. The House bill contained no such provision. The Senate receded with an amendment which phases out the exemption as follows:

1. In the first year after the effective date of the 1973 Amendments, the workweek exemption is 48 hours.
2. In the second year, the workweek exemption is 44 hours.
3. Effective on the beginning of the third year, the exemption is repealed.

With regard to certain local transit operating employees, the House bill phased down the overtime exemption in three steps as follows: During the first year overtime compensation will be required for hours of employment over 48 in a week, during the second year such compensation will be required for hours of employment over 44 in a week, and after the second year such compensation will be required for hours of employment over 42 in a week. In addition, in determining the hours of employment (for purposes of overtime compensation) of a bus driver or other local transit operator (the hours of his employment in charter activities is not to be included if the employment in charter activities was performed pursuant to an agreement with the employer and if such employment is not part of the employee's regular employment. The Senate amendment contained a similar provision but for all local transit employees, with the exemption to be repealed in the third year. The House receded.

It is noted that by virtue of the conferees' action on coverage of State and local government employment, together with its action on overtime pay in the local transit industry, operating employees of publicly and privately owned transit companies will be treated identically.

The Senate amendment provided that the overtime exemption for employees employed by hotels, motels, and restaurants be limited as follows: During the first year overtime compensation would be required for hours of employment over 48 in a week, and after the first year such compensation would be required for hours of employment over 46 in a week. The House bill repealed the overtime exemption for maids and custodial employees of hotels. The Senate receded with an amendment which provides that the overtime exemption for hotel, motel, and restaurant employees be limited as follows: during the first year overtime compensation will be required for hours of employment in excess of 48 in a week and after the first year such compensation will be required for hours of employment in excess of 46 in a week. For maids and custodial employees of hotels and motels the phase down is as follows:

1. 48 hours in the first year.
2. 46 hours in the second year.
3. 44 hours in the third year.
4. Repealed thereafter.

The Senate amendment revised the tip credit provisions of the Act so that they would not apply unless the employer has informed each of his tipped employees of the tip credit provision and all tips received by a tipped employee have been retained by such tipped employee (either individually or through a pooling arrangement).

The House bill contained no such provision. The House receded.

The conferees intend that the employer explain the tip provision of the Act to the employee, although the explanation may be in the form of a notice posted on a bulletin board accessible and understandable to all such employees.

The House bill replaced the limited overtime exemption for employees of nursing

homes (overtime compensation required for hours of employment in excess of 48 in a week) by an overtime exemption (initiated by an agreement between the employer and his employees) which substitutes a 14-consecutive-day work period for the workweek and requires overtime compensation for employment over 8 hours in any workday and for over 80 hours in such work period. The Senate amendment provided that the limited overtime exemption for employees of nursing homes be further limited as follows: During the first year overtime compensation would be required for hours of employment in excess of the current 48 in a week, during the second year such compensation would be required for hours of employment in excess of 46 in a week, and after the second year such compensation would be required for hours of employment in excess of 44 in a week. The Senate receded.

The Senate amendment repealed the 40 percent tolerance for nonexempt activities by executive and administrative employees of retail and service establishments, and thereby made applicable to such employees the 20 percent tolerance for non-exempt activities by all other executive and administrative employees currently in effect under regulations of the Secretary. The House bill contained no corresponding provision. The Senate receded.

The House bill provided that establishments engaged in laundering, cleaning, and repairing of clothing or fabrics are to be considered as service establishments in administration of sections 7(i) (commission employees) and 13(a)(1) (executive and administrative personnel and outside salesmen) of the Act. Such activities are not now considered retail or service under the Act. The Senate amendment contained no corresponding provision. The House receded.

The Senate amendment provided that the existing overtime exemption for partsmen and mechanics in nonmanufacturing establishments primarily engaged in selling automobiles, trailers, or trucks be repealed; that the overtime exemption for salesmen, partsmen, and mechanics in nonmanufacturing establishments engaged in selling aircraft be repealed; that the overtime exemption for salesmen in automobile, trailer, or truck sales establishments be retained, and that the overtime exemption for salesmen, partsmen, and mechanics in farm implement sales establishments be retained. The House bill contained no similar provisions but added an overtime exemption for salesmen, partsmen, and mechanics who are employed by nonmanufacturing establishments engaged in boat sales and who sell or service boats. The Senate receded with an amendment under which: the overtime exemption for partsmen and mechanics in nonmanufacturing establishments primarily engaged in selling trailers is repealed; the overtime exemption for partsmen and mechanics in nonmanufacturing establishments engaged in selling aircraft is repealed; the overtime exemption for salesmen in automobile, trailer, truck sales and aircraft establishments is retained; the overtime exemption for salesmen, partsmen, and mechanics in farm implement sales establishments is retained; the exemption for partsmen and mechanics in automobile and truck sales establishments is retained; and, an overtime exemption is provided for salesmen engaged in selling boats.

The Senate amendment provided that the overtime exemption for food service establishment employees be repealed as follows: During the first year overtime compensation would be required for hours of employment over 48 in a week, during the second year

such compensation would be required for hours of employment over 44 in a week, and thereafter such compensation would be required for employment in excess of 40 hours in a week. The House bill contained no such provision. The House receded.

The Senate amendment provided that the limited overtime exemption for employees of bowling establishments (overtime compensation required for hours in excess of 48 in a week) be repealed in two steps as follows: During the second year after enactment overtime compensation would be required for hours in excess of 44 in a week, and thereafter such compensation would be required for hours of employment in excess of 40 in a week. The House bill contained no such provision. The House receded.

The House bill provided that certain of the minimum wage and overtime exemptions provided in section 13(a) and 13(b) would not apply to a business establishment which controls, is controlled by, or is under common control with, but not related for a common business purpose to another establishment, if the combined sales or business volume of such establishments exceeded \$10,000,000. The Senate amendment had no comparable provision. The House receded with an amendment under which the minimum wage exemptions provided in section 13(a)(2) for certain retail and service establishments, and section 13(a)(6) relating to agricultural employees, would not be available to an establishment which controls, is controlled by, or under common control with, another establishment the activities of which are not related for a common business purpose, but materially support the activities of the first establishment and the combined gross volume of the conglomerate is more than \$10,000,000. Also, the section 13(a)(2) minimum wage exemption, relating to retail and service establishments, would be phased out for establishments which are part of conglomerates on the same schedule as applicable to the phase-out of the same exemption in the case of chain stores.

It is not the intention of the conferees that this provision shall apply on a mere showing of ownership or common control. Some relationship must exist demonstrating some interdependence for treating otherwise separate businesses as a unit for purposes of denying exemptions from section 6 which would otherwise be available under sections 13(a)(2) and 13(a)(6). Finally, nothing in this provision affects any overtime exemption or any minimum wage exemption other than those provided for retail and service establishments under subsection 13(a)(2) or agricultural employees under section 13(a)(6).

With regard to child labor the Senate amendment provided as follows:

1. The employment of children under age 12 in agriculture is prohibited unless they are employed on farms owned or operated by their parents or guardians, and children who are 12 or 13 may work in agriculture only if they have the written consent of their parents or guardians or if the parent or guardian is employed on the same farm. Existing law permits the employment (outside of school hours) of children of any age on farms in nonhazardous occupations.

2. Any person who violates the child labor provisions of the Act (or any regulation issued under such provisions) is subject to a civil penalty of not to exceed \$1,000 for each such violation.

3. The Secretary of Labor may issue regulations requiring employers to obtain from any employee proof of the employee's age.

The House bill contained no similar provision. The Senate receded with an amendment that the provisions of this section (described in paragraph (1) above) shall not become effective until January 1, 1974, that the provisions prohibiting the employment of children under 12 on farms other than those owned or operated by their parents shall apply only in the case of employment on farms covered by the Act under the 500 man-day test, including conglomerate farms, and that parental consent shall be required for such children to work on non-covered farms.

The Senate amendment provided that the tip credit provision of the Act is not to apply unless the employer has informed each of his tipped employees of the tip credit provision and all tips received by tipped employees have been retained by them (either individually or through a pooling arrangement). The House bill contained no such provision. The House receded.

The Senate amendment amended the Age Discrimination in Employment Act of 1967 to include within the scope of its coverage Federal, State, and local government employees (other than elected officials and certain aides not covered by civil service), and to expand coverage from employers with 25 or more employees to employers with 20 or more employees. The annual authorization of appropriations ceiling was raised from \$3 million to \$5 million. The Age Discrimination Employment Act prohibits discrimination in employment on the basis of age in matters of hiring, job retention, compensation, and other terms, conditions, or privileges of employment. Protection under the Act is limited to individuals who are between the ages of 40 and 65. The House bill contained no similar provisions. The Senate receded.

The Senate amendment amended section 16(c) to authorize the Secretary not only to sue for back wages (which he can do now) but also to sue for an equal amount of liquidated damages without requiring a written request from the employee. The Secretary could also sue even though the suit might involve issues of law that have not been finally settled by the courts. In the event the Secretary brings such an action, the right of an employee provided by 16(b) to bring an action on behalf of himself, or to become party to such an action would terminate, unless such action is dismissed without prejudice, on motion by the Secretary. The House bill contained no similar provision. The House receded.

The Senate amendment amended section 9 of the Walsh-Healey Act to extend to employees of regulated private carriers the exemption from that Act presently applicable to employees of regulated common carriers. The House bill contained no similar provision. The Senate receded.

The Senate amendment contained a provision making clear the right of employees of State and local governments to bring private actions under Section 16(b) in Federal or State courts of competent jurisdiction for recovery under the Act. This provision was intended to overcome the decision of the Supreme Court in *Employees of the Department of Public Health and Welfare v. Missouri*, 93 S.Ct. 1614 (April 18, 1973) which held that Congress, in extending coverage under the 1966 amendments to certain employees of State and local governments had not explicitly provided an individual right of action in the Federal courts. The Senate amendment also provided an amendment to the Portal to Portal Act of 1947 which would preserve individual rights of action of State

or local government employees which would otherwise be barred by the statute of limitations as a result of the Supreme Court's decision. A further provision made clear the right of Federal employees to bring an action in Federal or State court against the United States under Section 16(b) of the Act, in addition to the administrative remedies provided in the Senate amendment.

The House bill contained no similar provisions. The Senate receded with an amendment providing that employees of a public agency (defined to include the Government and agencies of the United States, a State or political subdivision, or any interstate governmental agency) may maintain an action against that public agency under section 16(b) in any Federal or State court of competent jurisdiction, and suspending the statute of limitations to preserve rights of actions of State or local government employees which would otherwise be barred as a result of the Supreme Court's decision. It is emphasized that this provision is a limited suspension of the statute of limitations and is applicable only to certain public employees.

The Secretary would be required by the Senate amendment to conduct studies (1) on the economic effects of the changes made in the minimum wage and overtime coverage, and (2) on the justification or lack thereof for each of the exemptions provided by sections 13(a) and 13(b). The report on the study described in clause (1) would be due not later than January 1, 1975, and the report on the study described in clause (2) would be due not later than January 1, 1976. The House bill contained no corresponding provision. The Senate receded with an amendment providing that these studies be provided for under section 4(d) of the Act and also requiring that such studies include an examination of the extent to which employees of conglomerates receive the section 13(a) and (b) exemptions and the economic effect of their inclusion in such exemptions.

The Secretary would have been required by the Senate amendment to contract for a study to determine the extent (if any) of the impact on employment of each increase in the minimum wage prescribed by the 1973

Amendments and to develop the necessary information on the probable impact (if any) on employment of future increases in minimum wages. Ninety days prior to the effective date of each increase prescribed by such Amendments, the Secretary is to provide the Congress with an employment impact statement establishing the probable impact on employment by category of employment of each such increase, together with a summary of the basis for each statement. The House bill contained no corresponding provision. The Senate receded.

The Senate amendment amended the Economic Stabilization Act of 1970 to provide that the President shall make appropriate adjustments in the maximum price which may be charged under the provisions of Executive Order 11723 (dated June 13, 1973), or any subsequent Executive order promulgated under that Act, for any agricultural commodity (at any point in the distribution chain) as to which the Secretary of Agriculture certifies to the President that the supply of the commodity will be reduced to unacceptably low levels as a result of any price controls or freeze order (or regulation) promulgated under that Act and that alternative means for increasing the supply are not available. The House bill contains no corresponding provision. The Senate receded.

The Senate amendment provided that the effective date of the Act is the 60th day following the date of the enactment of the bill. The House bill provided that the effective date is the first day of the second full month which begins after the date of the enactment of the bill, or August 1, 1973, whichever occurs first. The Senate receded with an amendment to make the effective date of the Act the first day of the second full month after the date of enactment.

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HAROLD E. HUGHES,
WILLIAM D. HATHAWAY,
JACOB K. JAVITS,
RICHARD S. SCHWEICKER,
ROBERT T. STAFFORD,

Managers on the Part of the Senate.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

[Pursuant to the order of the House of July 26, 1973, the following reports were filed July 27:]

Mr. WRIGHT: Committee of conference. Conference report on S. 502 (Rept. No. 93-410). Ordered to be printed.

Mr. BOLAND: Committee of Conference. Conference report on H.R. 8825 (Rept. No. 93-411). Ordered to be printed.

Mrs. SULLIVAN: Committee on Merchant Marine and Fisheries. H.R. 37. A bill to provide for the conservation, protection, and propagation of species or subspecies of fish and wildlife that are threatened with extinction or likely within the foreseeable future to become threatened with extinction, and for other purposes; with amendment (Rept. No. 93-412). Referred to the Committee of the Whole House on the State of the Union.

Mr. PERKINS: Committee of conference. Conference report on H.R. 7935 (Rept. No. 93-413). Ordered to be printed.

[Pursuant to the order of the House of July 25, 1973, the following report was filed July 28:]

Mr. HALEY: Committee on Interior and Insular Affairs. H.R. 9130. A bill to amend section 28 of the Mineral Leasing Act of 1920, and to authorize a trans-Alaska oil and gas pipeline, and for other purposes; with amendment (Rept. No. 93-414). Referred to the Committee of the Whole House on the State of the Union.

EXTENSIONS OF REMARKS

SUZANNE BUFFINGTON, OF WEST VIRGINIA, SPONSORS APPROVED LEGISLATION TO AID THE DEAF BY GIRLS' NATION

HON. JENNINGS RANDOLPH

OF WEST VIRGINIA

IN THE SENATE OF THE UNITED STATES

Saturday, July 28, 1973

Mr. RANDOLPH. Mr. President, as my colleagues know, Girls Nation of America is sponsored by the Ladies Auxiliary of the American Legion. One of its major activities is a youth citizenship training course in the processes of the Federal Government, held annually in Washington, D.C. The participants are selected on the basis of their interest in Government and their abilities to demonstrate leadership. Each State sends two representatives to its annual Congress who hold the title of Senator. In July 1951, it

was my privilege to serve as educational director of the Fifth Girls Nation Congress in Washington, D.C. At that time Mrs. Ruby Ward, of Kingwood, W. Va., was president of the ladies auxiliary.

During the 27th Girls Nation Congress, which ended last week I had the pleasure of counseling with the two Senators from West Virginia, Suzanne Buffington of Clarksburg and Lisa Carper of Shepherdstown. During our meeting I was pleased to learn that Miss Buffington had drafted a bill to authorize those who are deaf to claim an additional Federal income tax exemption because of their handicap. This measure was approved by the Girls Nation Congress. It was most gratifying to note this young woman had devoted her time and energies to a segment of our handicapped population.

Mr. President, I ask unanimous consent that a copy of that bill be printed in the Extensions of Remarks.

There being no objection, the text of

the bill was ordered to be printed in the RECORD, as follows:

THE 27TH GIRLS NATION CONGRESS

JULY 19, 1973.

Senator Suzanne Buffington of West Virginia introduced the following Bill, which was referred to the Committee on Labor and Public Welfare.

A bill to authorize those who are deaf to claim an additional Federal income tax exemption because of their handicap.

Be it enacted by the Senate and House of Representatives of the Girls Nation of America in Congress assembled, that, a taxpayer who is deaf may claim an additional Federal Income Tax equal to the exemption the blind now receive by attaching to his return a certificate from a licensed Doctor of Audiology that his hearing is impaired a minimum of 80%. Presently additional exemptions are allowed for the blind, yet it is almost universally accepted by educators of the blind and deaf that deafness is a far greater handicap than blindness in so far as the learning process is concerned.