(2) to compel agency action unlawfully withheld or unreasonably delayed; and

(3) to hold unlawful and set aside any action or findings and conclusions found to be (A) arbitrary, capricious, an abuse of discretion, or otherwise not in accordance with law; (B) contrary to constitutional right, power, privilege, or immunity; (C) in excess of statutory jurisdiction, authority, or limitations or short of statutory jurisdiction, authority, or limitations or short of statutory rights; (D) without observance of procedure required by law, including any applicable procedure provided by this Act; or (E) unsupported by substantial evidence in the record of the proceedings before the court.

In reviewing administrative orders and decisions, the court shall review such portions of the exclusive record as may be designated by any party. The court may invoke the rule of prejudicial error. Any party aggrieved by any judgment of the District of Columbia Court of Appeals under this Act may seek a review thereof by the United States Court of Appeals for the District of Columbia Circuit in accordance with sections 11–321, 17–101, 17–102, 17–103, and 17–104 of the District of Columbia Code.

77 Stat. 479, 612.

Effective date.

SEC. 12. This Act shall become effective one year after the date of its enactment.

Approved October 21, 1968.

Public Law 90-615

October 21, 1968
[H. R. 7735]

AN ACT

To continue for three years the existing suspension of duties on certain alumina and bauxite, and for other purposes.

Alumina and bauxite.
Duty suspension, extension.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) items 907.15 (relating to aluminum oxide (alumina) when imported for use in producing aluminum), 909.30 (relating to bauxite, calcined), and 911.05 (relating to bauxite ore) of the Tariff Schedules of the United States (19 U.S.C. 1202) are each amended by striking out "7/15/68" and inserting in lieu thereof "7/15/71".

80 Stat. 192.

(b) The amendments made by subsection (a) shall apply with respect to articles entered, or withdrawn from warehouse, for consumption after July 15, 1968. Upon request therefor filed with the customs officer concerned on or before the 120th day after the date of the enactment of this Act, entries and withdrawals of articles described in items 907.15, 909.30, and 911.05 of the Tariff Schedules of the United States (as amended by subsection (a)) which were made after July 15, 1968, and before the date of the enactment of this Act shall, notwithstanding the provisions of section 514 of the Tariff Act of 1930 or any other provision of law, be liquidated or reliquidated as though such entries or withdrawals had been made on the date of the enactment of this Act.

46 Stat. 734.
19 USC 1514.

72 Stat. 1346.
26 USC 5134.

SEC. 2. (a) Section 5134(b) of the Internal Revenue Code of 1954 (relating to claims for drawback of distilled spirits taxes on account of certain nonbeverage uses) is amended by striking out in the last sentence thereof "3 months" and inserting in lieu thereof "6 months".

(b) The amendment made by subsection (a) shall apply with respect to claims filed on or after the date of the enactment of this Act.

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Copper.
Duty suspension, extension.

SEC. 3. (a) Items 911.10 (relating to copper waste and scrap), 911.11 (relating to articles of copper), 911.13 (relating to copper bearing ores and materials), 911.14 (relating to cement copper and copper precipitates), 911.15 (relating to black copper, blister copper, and anode copper), and 911.16 (relating to other unwrought copper) of the Tariff Schedules of the United States (19 U.S.C. 1202) are each amended by striking out "6/30/68" and inserting in lieu thereof "6/30/70 (see headnote 3 of this subpart)".

80 Stat. 218.

(b) The headnotes of subpart B of part 1 of the Appendix to the Tariff Schedules of the United States are amended by adding at the end thereof the following new headnote:

81 Stat. 776.

"3. (a) Items 911.10, 911.11, 911.13, 911.14, 911.15, and 911.16 shall not apply when the market price of copper is under 36 cents per pound.

"(b) For purposes of subparagraph (a), the market price of copper has the meaning assigned to it by headnote 5(b) of the headnotes of schedule 6, part 2, subpart C.

77A Stat. 275; *Post*, p. 1478.

"(c) For purposes of subparagraph (a), the market price of copper shall be considered to be under 36 cents per pound only on and after the 20th day after the date of a report by the United States Tariff Commission to the Secretary of the Treasury that it has determined that the market price has been under 36 cents per pound for one calendar month. After any such report, the market price shall be considered as not being under 36 cents per pound only on and after the 20th day after the date of a report by the Commission to the Secretary that it has determined that the market price has been 36 cents or more per pound for one calendar month.

"(d) Determinations by the Commission under this headnote shall be made in the manner prescribed by headnote 5(e) of schedule 6, part 2, subpart C."

(c) The amendments made by this section shall apply with respect to articles entered, or withdrawn from warehouse, for consumption after June 30, 1968. Upon request therefor filed with the customs officer concerned on or before the 120th day after the date of the enactment of this Act, entries and withdrawals of articles described in items 911.10, 911.11, 911.13, 911.14, 911.15, and 911.16 of the Tariff Schedules of the United States (as amended by subsection (a)) which were made after June 30, 1968, and before the date of enactment of this Act shall, notwithstanding the provisions of section 514 of the Tariff Act of 1930 or any other provision of law, be liquidated or reliquidated as though such entries or withdrawals had been made on the date of the enactment of this Act.

46 Stat. 734.
19 USC 1514.

SEC. 4. Part 4 of schedule 8 of the Tariff Schedules of the United States (19 U.S.C. 1202) is amended by inserting after item 854.10 the following new item:

77A Stat. 419.

"	854.20	Cellulosic plastics materials imported for use in artificial kidney machines or apparatus by a hospital or by a patient pursuant to prescription of a physician.....	Free	The Column 2 rate applicable in the absence of this item "

(b) Headnote 1 of such part 4 is amended by striking out "and 852.20" and inserting in lieu thereof ", 852.20, and 854.20".

80 Stat. 899.

(c) The amendments made by subsections (a) and (b) shall apply with respect to articles entered or withdrawn from warehouse for consumption on or after the date of the enactment of this Act.

Approved October 21, 1968.