Public Law 92-41

AN ACT

July 1, 1971
[H. R. 8311]

To amend the Renegotiation Act of 1951 to extend the Act for two years, to modify the interest rate on excessive profits and on refunds, to provide that the Court of Claims shall have jurisdiction of renegotiation cases, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

Renegotiation Act of 1951, amendments; U.S. Tax Court judges.

SECTION 1. TWO-YEAR EXTENSION.

Section 102(c)(1) of the Renegotiation Act of 1951 (50 U.S.C. App., sec. 1212(c)(1)) is amended by striking out "June 30, 1971" and inserting in lieu thereof "June 30, 1973".

70 Stat. 786; 82 Stat. 1345.

SEC. 2. MODIFICATION OF INTEREST RATE ON EXCESSIVE PROFITS AND ON REFUNDS.

(a) Section 105(b)(2) of the Renegotiation Act of 1951, as amended (50 U.S.C. App., sec. 1215(b)(2)), is amended—

65 Stat. 13; 76 Stat. 134.

(1) by striking out the phrase "rate of 4 per centum per annum" each place it appears and inserting in lieu thereof "rate per annum determined pursuant to the next to the last sentence of this paragraph for the period which includes the date on which interest begins to run";

(2) by striking out the phrase "interest shall accrue and be paid" the second place it appears in subparagraph (A) and inserting in lieu thereof "interest at the same rate shall accrue and be paid"; and

(3) by adding at the end thereof the following new sentences: "Interest shall accrue and be paid at a rate which the Secretary of the Treasury shall specify as applicable to the period beginning on July 1, 1971, and ending on December 31, 1971, and to each six-month period thereafter. Such rate shall be determined by the Secretary of the Treasury, taking into consideration current private commercial rates of interest for new loans maturing in approximately five years.".

(b) Section 108 of the Renegotiation Act of 1951, as amended (50 U.S.C. App., sec. 1218), is amended by striking out "at the rate of 4 per centum per annum" in the last sentence and by inserting before the period at the end of such sentence "at the rate per annum determined pursuant to the next to the last sentence of section 105(b)(2) for the period which includes the date on which interest begins to run".

Effective date.

(c)(1) The amendments made by subsection (a) shall apply only with respect to amounts of excessive profits determined by the Renegotiation Board and with respect to the amounts of additional excessive profits determined by the Tax Court or the Court of Claims after June 30, 1971.

(2) The amendments made by subsection (b) shall apply only with respect to amounts finally adjudged or determined to have been erroneously collected after June 30, 1971, by the United States pursuant to a determination of excessive profits.

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SEC. 3. JURISDICTION OF RENEGOTIATION CASES.

65 Stat. 21.

(a) Section 108 of the Renegotiation Act of 1951, as amended (50 U.S.C. App., sec. 1218), is amended—

(1) by striking out in the first sentence thereof "The Tax Court of the United States" and inserting in lieu thereof "the Court of Claims";

(2) by striking out the following sentence: "For the purposes of this section the court shall have the same powers and duties, insofar as applicable in respect of the contractor, the subcontractor, the Board, and the Secretary, and in respect of the attendance of witnesses and the production of papers, notice of hearings, hearings before divisions, review by the Tax Court of decisions of divisions, stenographic reporting, and reports of proceedings, as such court has under sections 1110, 1111, 1113, 1114, 1115(a), 1116, 1117(a), 1118, 1120, and 1121 of the Internal Revenue Code in the case of a proceeding to redetermine a deficiency."; and

(3) by striking out each place it appears therein "Tax Court" and inserting in lieu thereof "Court of Claims".

76 Stat. 134. 50 USC app. 1218a.

(b) Section 108A of such Act is amended to read as follows:

"SEC. 108A. REVIEW OF COURT OF CLAIMS DECISIONS.

Supra.

"The decisions of the Court of Claims under section 108 shall be subject to review by the Supreme Court upon certiorari in the manner provided in section 1255 of title 28 of the United States Code for the review of other cases in the Court of Claims."

62 Stat. 928.

70 Stat. 792. 50 USC app. 1224.

(c) Section 114(5) of such Act is amended by striking out "Tax Court," and inserting in lieu thereof "Court of Claims, the United States Tax Court,".

65 Stat. 8,12, 17. 50 USC app. 1213, 1215, 1216.

(d) Sections 103(f), 103(i), 105(a), 105(b), and 106(a)(6) of such Act are amended by striking out "The Tax Court of the United States" or "the Tax Court" each place it appears therein and inserting in lieu thereof "the Court of Claims".

Effective date.

(e) The amendments made by this section shall apply with respect to any case in which the time for filing a petition under section 108 of the Renegotiation Act of 1951 for a redetermination of an order of the Renegotiation Board determining an amount of excessive profits expires on or after the date of enactment of this Act. Any petition for a redetermination of an order of the Renegotiation Board which is filed with the United States Tax Court on or after the date of enactment of this Act and before the ninetieth day after such date of enactment shall be deemed to be filed with the Court of Claims and shall be transferred from the United States Tax Court to the Court of Claims within thirty days after the day it is so filed. Except as determined by the Chief Judge of the United States Tax Court as described hereinbelow, all cases arising under the Renegotiation Act of 1951 which are pending in the United State Tax Court on the date of enactment of this Act shall be transferred within thirty days after such date from the United States Tax Court to the Court of Claims. In any such case in which the Chief Judge of the United States Tax Court finds and determines that proceedings have progressed to the point that the case can be more expeditiously decided by the United States Tax Court than the Court of Claims, the Chief Judge by order entered within thirty days after the date of enactment of this Act shall direct that such case be retained by the United States Tax Court. The applicable provisions of the Renegotiation Act of 1951 as in effect prior to the amendments made by this section shall be applied with respect to any

65 Stat. 7. 50 USC app. 1211 note.

Savings provision.

case under the Renegotiation Act of 1951 which at any time was pending in the United States Tax Court and which is not transferred to the Court of Claims pursuant to this subsection. 65 Stat. 7. 50 USC app. 1211.

SEC. 4. THE UNITED STATES TAX COURT.

(a) The first sentence of section 7447(c) of the Internal Revenue Code of 1954 (relating to recalling of retired judges of the United States Tax Court) is amended by striking out "Any individual who is receiving" and inserting in lieu thereof "At or after his retirement, any individual who has elected to receive". 68A Stat. 880. 26 USC 7447.

(b) Section 7448(m) of such Code (relating to computation of annuities of widows of Tax Court judges) is amended by striking out "1¼ percent of the average annual salary received by such judge for judicial service and any other prior allowable service during the last 5 years of such service prior to his death, or prior to his receiving retired pay under section 7447(d), whichever first occurs, multiplied by the sum of his years of judicial service," and inserting in lieu thereof "1¼ percent of the average annual salary (whether judge's salary or compensation for other allowable service) received by such judge for judicial service (including periods in which he received retired pay under section 7447(d)) or for any other prior allowable service during the period of 5 consecutive years in which he received the largest such average annual salary, multiplied by the sum of his years of such judicial service,". 75 Stat. 796. 83 Stat. 730.

(c)(1) The amendment made by subsection (a) shall be effective as if included in the Internal Revenue Code of 1954 on the date of its enactment. Provisions having the same effect as such amendment shall be treated as having been included in the Internal Revenue Code of 1939 effective on and after August 7, 1953. Effective date.

(2) The amendment made by subsection (b) shall apply only with respect to judges of the United States Tax Court dying on or after the date of the enactment of this Act.

Approved July 1, 1971.

Public Law 92-42

AN ACT

July 1, 1971
[H. R. 1161]

To amend section 402 of the Agricultural Trade Development and Assistance Act of 1954, as amended, in order to remove certain restrictions against domestic wine under title I of such Act.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 402 of the Agricultural Trade Development and Assistance Act of 1954, as amended (7 U.S.C. 1732), is amended by inserting after the first sentence thereof a new sentence as follows: "The foregoing proviso shall not be construed as prohibiting representatives of the domestic wine industry from participating in market development activities carried out with foreign currencies made available under title I of this Act which have as their purpose the expansion of export sales of United States agricultural commodities." Wine. Export sales, expansion. 80 Stat. 1536. 7 USC 1701.

Approved July 1, 1971.

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