U. S. Laws, statutes, etc.

UNITED STATES STATUTES AT LARGE

CONTAINING

PUBLIC LAWS 91–696, 93–650, 93–651

AND THE

LAWS AND CONCURRENT RESOLUTIONS
ENACTED DURING THE FIRST SESSION OF THE
NINETY-FOURTH CONGRESS
OF THE UNITED STATES OF AMERICA

1975

AND

PROCLAMATIONS

VOLUME 89

IN ONE PART

UNITED STATES
GOVERNMENT PRINTING OFFICE
WASHINGTON : 1977

AUTHENTICATED
U.S. GOVERNMENT
INFORMATION
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Vol. 89, 1975
9th set

PUBLISHED BY AUTHORITY OF LAW UNDER THE DIRECTION OF THE ADMINISTRATOR OF GENERAL SERVICES BY THE OFFICE OF THE FEDERAL REGISTER, NATIONAL ARCHIVES AND RECORDS SERVICE

Note: Some minor changes have been made in the format of this book to provide for one-time preparation of copy to be used for publication of both the slip laws and the U.S. Statutes at Large volumes.

Also, Legislative History for each public bill now will be carried at the end of each public law instead of in tabular form at the end of the volume.

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94-86	*National Science Foundation Authorization Act, 1976.* AN ACT Authorizing appropriations to the National Science Foundation for fiscal year 1976	Aug. 9, 1975	427
94-87	*Council on International Economic Policy, appropriation authorization.* AN ACT To authorize appropriations for carrying out the provisions of the International Economic Policy Act of 1972, as amended, and for other purposes	Aug. 9, 1975	432

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94-91	*Treasury, Postal Service, and General Government Appropriation Act, 1976.* AN ACT Making appropriations for the Treasury Department, the United States Postal Service, the Executive Office of the President, and certain Independent Agencies, for the fiscal year ending June 30, 1976, and the period ending September 30, 1976, and for other purposes	Aug. 9, 1975	441
94-92	*Railroad employees, unemployment and sickness benefits increase.* AN ACT To amend the Railroad Unemployment Insurance Act to increase unemployment and sickness benefits, and for other purposes	Aug. 9, 1975	461
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94-97	*Veterans Day, redesignation.* AN ACT To redesignate November 11 of each year as Veterans Day and to make such day a legal public holiday	Sept. 18, 1975	479
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94-104	*Board for International Broadcasting, appropriation authorization; Greece and Turkey, foreign assistance; Cyprus refugees.* AN ACT To authorize appropriations for the Board for International Broadcasting for fiscal year 1976; and to promote improved relations between the United States, Greece, and Turkey, to assist in the solution of the refugee problem on Cyprus, and to otherwise strengthen the North Atlantic Alliance	Oct. 6, 1975	508
94-105	*National School Lunch Act and Child Nutrition Act of 1966 Amendments of 1975.* AN ACT To amend the National School Lunch Act and the Child Nutrition Act of 1966 in order to extend and revise the special food service program for children and the school breakfast program, and for other purposes related to strengthening the school lunch and child nutrition programs	Oct. 7, 1975	511
94-106	*Department of Defense Appropriation Authorization Act, 1976.* AN ACT To authorize appropriations during the fiscal year 1976, and the period beginning July 1, 1976, and ending September 30, 1976, for procurement of aircraft, missiles, naval vessels, tracked combat vehicles, torpedoes, and other weapons, and research, development, test and evaluation for the Armed Forces, and to prescribe the authorized personnel strength for each active duty component and of the Selected Reserve of each Reserve component of the Armed Forces and of civilian personnel of the Department of Defense, and to authorize the military training student loads and for other purposes	Oct. 7, 1975	531
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94-118	*Japan-United States Friendship Act.* AN ACT To provide for the use of certain funds to promote scholarly, cultural, and artistic activities between Japan and the United States, and for other purposes	Oct. 20, 1975	603
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94-133	*Emergency petroleum allocation, extension.* AN ACT To extend the Emergency Petroleum Allocation Act of 1973	Nov. 14, 1975	694
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94-135	*Older Americans Amendments of 1975.* AN ACT To amend the Older Americans Act of 1965 to establish certain social services programs for older Americans and to extend the authorizations of appropriations contained in such Act, to prohibit discrimination on the basis of age, and for other purposes	Nov. 28, 1975	713
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94-162	*Lyndon Baines Johnson Memorial Grove on the Potomac, development authorization.* AN ACT To amend the Joint Resolution approved December 28, 1973, providing for the establishment of the Lyndon Baines Johnson Memorial Grove on the Potomac, and for other purposes	Dec. 20, 1975	870
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94-167	*International Women's Year, national conference.* AN ACT To direct the National Commission on the Observance of International Women's Year, 1975, to organize and convene a National Women's Conference, and for other purposes	Dec. 23, 1975	1003
94-168	*Metric Conversion Act of 1975.* AN ACT To declare a national policy of coordinating the increasing use of the metric system in the United States, and to establish a United States Metric Board to coordinate the voluntary conversion to the metric system	Dec. 23, 1975	1007
94-169	*Veterans and Survivors Pension Interim Adjustment Act of 1975.* AN ACT To amend title 38 of the United States Code to liberalize the provisions relating to payment of disability and death pension and dependency and indemnity compensation, to increase income limitations, and for other purposes	Dec. 23, 1975	1013
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94-172	*Federal employees, annual leave, restoration.* AN ACT To amend title 5, United States Code, to provide that annual leave lost by a Federal employee because of an unjustified or unwarranted personnel action shall be restored to the employee, and for other purposes	Dec. 23, 1975	1025
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94-174	*Guadalupe Mountains National Park, Tex., lands exchange.* AN ACT To authorize an exchange of lands for an entrance road at Guadalupe Mountains National Park, Texas, and for other purposes	Dec. 23, 1975	1029
94-175	*Walla Walla project, Oreg.-Wash., appropriation authorization.* AN ACT To amend the Act of July 7, 1970 (84 Stat. 409) to authorize appropriations to the Secretary of the Interior without reference to the agencies involved	Dec. 23, 1975	1030
94-176	*Termination date, extension.* AN ACT To extend until April 30, 1976, the authority of the National Commission for the Review of Federal and State Laws Relating to Wiretapping and Electronic Surveillance	Dec. 23, 1975	1031
94-177	*Former Members of Congress, franking privileges.* AN ACT To amend title 39, United States Code, to prohibit certain franked mailings by Members of the Congress and certain officers of the United States, other than mailings related to the closing of their official business, after such Members or officers have left office	Dec. 23, 1975	1032
94-178	*Lighthouse Service, retired pay increase.* AN ACT To increase the retired pay of certain members of the former Lighthouse Service	Dec. 23, 1975	1033
94-179	*Brig. Gen. Charles E. Yeager, medal.* AN ACT To authorize the President of the United States to present in the name of Congress, a medal to Brigadier General Charles E. Yeager	Dec. 23, 1975	1034
94-180	*Public Works for Water and Power Development and Energy Research Appropriation Act, 1976.* AN ACT Making appropriations for public works for water and power development and energy research, including the Corps of Engineers—Civil, the Bureau of Reclamation, power agencies of the Department of the Interior, the Appalachian regional development programs, the Federal Power Commission, the Tennessee Valley Authority, the Nuclear Regulatory Commission, the Energy Research and Development Administration, and related independent agencies and commissions for the fiscal year ending June 30, 1976, and the period ending September 30, 1976, and for other purposes	Dec. 26, 1975	1035
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94-188	*Regional Development Act of 1975.* AN ACT To extend the Appalachian Regional Development Act of 1965, to increase the authorizations for the title V Action Planning Commissions, and for other purposes	Dec. 31, 1975	1079
94-189	*Indians, Sac and Fox Indians, judgment funds.* AN ACT To provide for the disposition of funds appropriated to pay certain Indian Claims Commission judgments in favor of the Sac and Fox Indians, and for other purposes	Dec. 31, 1975	1093
94-190	*Small Business Emergency Relief Act.* AN ACT To provide for emergency relief for small business concerns in connection with fixed-price Government contracts	Dec. 31, 1975	1095
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94-193	*Judicial Conference of the District of Columbia, establishment.* AN ACT To establish the Judicial Conference of the District of Columbia	Dec. 31, 1975	1102
94-194	*Reading improvement program.* AN ACT To amend the national reading improvement program to provide more flexibility in the types of projects which can be funded, and for other purposes	Dec. 31, 1975	1103
94-195	*Federal Maritime Commission, compensation.* AN ACT To insure that the compensation and other emoluments for any person filling the vacancy on the Federal Maritime Commission caused by the resignation of Commissioner George Henry Hearn shall be those which were in effect on January 1, 1975, and for other purposes	Dec. 31, 1975	1108
94-196	*Executive Protective Service, Foreign diplomatic missions.* AN ACT To amend title 3, United States Code, to provide for foreign diplomatic missions, to increase the size of the Executive Protective Service, and for other purposes	Dec. 31, 1975	1109

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94-198	*Flood Disaster Protection Act of 1973, amendment.* AN ACT To provide a 2-month extension of the exemption for loans made to finance the acquisition of previously occupied residential dwellings from the prohibition against financing by federally-related financial institutions for property located in communities not participating in the national flood insurance program	Dec. 31, 1975	1116
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PUBLIC LAWS

OTHER CONGRESSES

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Public Law 91-696
91st Congress

An Act

Dec. 25, 1970
[S. 3418]

To amend the Public Health Service Act to provide for the making of grants to medical schools and hospitals to assist them in establishing special departments and programs in the field of family practice, and otherwise to encourage and promote the training of medical and paramedical personnel in the field of family medicine and to provide for a study relating to causes and treatment of malnutrition.

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

Family practice of medicine; malnutrition, study.

TITLE I—FAMILY MEDICINE

SEC. 101. Part D of title VII of the Public Health Service Act is amended to read as follows:

"PART D—GRANTS TO PROVIDE PROFESSIONAL AND TECHNICAL TRAINING IN THE FIELD OF FAMILY MEDICINE

"DECLARATION OF PURPOSE

"SEC. 761. It is the purpose of this part to provide for the making of grants to assist— 42 USC 295.

"(1) public and private nonprofit medical schools—

"(A) to operate, as an integral part of their medical education program, separate and distinct departments devoted to providing teaching and instruction (including continuing education) in all phases of family practice;

"(B) to construct such facilities as may be appropriate to carry out a program of training in the field of family medicine whether as a part of a medical school or as separate outpatient or similar facility;

"(C) to operate, or participate in, special training programs for paramedical personnel in the field of family medicine; and

"(D) to operate, or participate in, special training programs to teach and train medical personnel to head departments of family practice or otherwise teach family practice in medical schools; and

"(2) public and private nonprofit hospitals which provide training programs for medical students, interns, or residents—

"(A) to operate, as an integral part of their medical training programs, special professional training programs (including continuing education) in the field of family medicine for medical students, interns, residents, or practicing physicians;

"(B) to construct such facilities as may be appropriate to carry out a program of training in the field of family medicine whether as a part of a hospital or as a separate outpatient or similar facility;

"(C) to provide financial assistance (in the form of scholarships, fellowships, or stipends) to interns, residents, or other medical personnel who are in need thereof, who are participants in a program of such hospital which provides special training (accredited by a recognized body or bodies approved for such purpose by the Commissioner of Education) in the field of family medicine, and who plan to specialize or work in the practice of family medicine; and

"(D) to operate, or participate in, special training programs for paramedical personnel in the field of family medicine.

"AUTHORIZATION OF APPROPRIATIONS

42 USC 295a.

"SEC. 762. (a) For the purpose of making grants to carry out the purposes of this part, there are authorized to be appropriated $50,000,000 for the fiscal year ending June 30, 1971, $75,000,000 for the fiscal year ending June 30, 1972, and $100,000,000 for the fiscal year ending June 30, 1973.

"(b) Sums appropriated pursuant to subsection (a) for any fiscal year shall remain available for the purpose for which appropriated until the close of the fiscal year which immediately follows such year.

"GRANTS BY SECRETARY

42 USC 295b.

"SEC. 763. (a) From the sums appropriated pursuant to section 762, the Secretary is authorized to make grants, in accordance with the provisions of this part, to carry out the purposes of section 761.

Applications. Publication in Federal Register.

"(b) No grant shall be made under this part unless an application therefor has been submitted to, and approved by, the Secretary. Such application shall be in such form, submitted in such manner, and contain such information, as the Secretary shall have prescribed by regulations which have been promulgated by him and published in the Federal Register not later than six months after the date of enactment of this part.

"(c) Grants under this part shall be in such amounts and subject to such limitations and conditions as the Secretary may determine to be proper to carry out the purposes of this part.

"(d) In the case of any application for a grant any part of which is to be used for major construction or remodeling of any facility, the Secretary shall not approve the part of the grant which is to be so used unless the recipient of such grant enters into appropriate arrangements with the Secretary which will equitably protect the financial interests of the United States in the event such facility ceases to be used for the purpose for which such grant or part thereof was made prior to the expiration of the twenty-year period which commences on the date such construction or remodeling is completed.

"(e) Grants made under this part shall be used only for the purpose for which made and may be paid in advance or by way of reimbursement, and in such installments, as the Secretary may determine.

"ELIGIBILITY FOR GRANTS

42 USC 295c.

"SEC. 764. (a) In order for any medical school to be eligible for a grant under this part, such school—

"(1) must be a public or other nonprofit school of medicine; and

"(2) must be accredited as a school of medicine by a recognized body or bodies approved for such purpose by the Commissioner of Education, except that the requirements of this clause shall be deemed to be satisfied, if (A) in the case of a school of medicine which by reason of no, or an insufficient, period of operation is not, at the time of application for a grant under this part, eligible for such accreditation, the Commissioner finds, after consultation with the appropriate accreditation body or bodies, that there is reasonable assurance that the school will meet the accreditation standards of such body or bodies prior to the beginning of the academic year

following the normal graduation date of students who are in their first year of instruction at such school during the fiscal year in which the Secretary makes a final determination as to approval of the application.

"(b) In order for any hospital to be eligible for a grant under this part, such hospital—

"(1) must be a public or private nonprofit hospital; and

"(2) must conduct or be prepared to conduct in connection with its other activities (whether or not as an affiliate of a school of medicine) one or more programs of medical training for medical students, interns, or residents, which is accredited by a recognized body or bodies, approved for such purpose by the Commissioner of Education.

"APPROVAL OF GRANTS

"SEC. 765. (a) The Secretary, upon the recommendation of the Advisory Council on Family Medicine, is authorized to make grants under this part upon the determination that— 42 USC 295d.

"(1) the applicant meets the eligibility requirements set forth in section 764;

"(2) the applicant has complied with the requirements of section 763;

"(3) the grant is to be used for one or more of the purposes set forth in section 761;

"(4) it contains such information as the Secretary may require to make the determinations required of him under this section and such assurances as he may find necessary to carry out the purposes of this part;

"(5) it provides for such fiscal control and accounting procedures and reports, and access to the records of the applicant, as the Secretary may require (pursuant to regulations which shall have been promulgated by him and published in the Federal Register) to assure proper disbursement of and accounting for all Federal funds paid to the applicant under this part; and Publication in Federal Register.

"(6) the application contains or is supported by adequate assurance that any laborer or mechanic employed by any contractor or subcontractor in the performance of work on the construction of the facility will be paid wages at rates not less than those prevailing on similar construction in the locality as determined by the Secretary of Labor in accordance with the Davis-Bacon Act, as amended (40 U.S.C. 276a–276a5). The Secretary of Labor shall have, with respect to the labor standards specified in this paragraph, the authority and functions set forth in Reorganization Plan Numbered 14 of 1950 (15 F.R. 3176; 65 Stat. 1267), and section 2 of the Act of June 13, 1934, as amended (40 U.S.C. 276c). 5 USC app. II.

"(b) The Secretary shall not approve any grant to—

"(1) a school of medicine to establish or operate a separate department devoted to the teaching of family medicine unless the Secretary is satisfied that—

"(A) such department is (or will be, when established) of equal standing with the other departments within such school which are devoted to the teaching of other medical specialty disciplines; and

"(B) such department will, in terms of the subjects offered and the type and quality of instruction provided, be designed to prepare students thereof to meet the standards established for specialists in the specialty of family practice by a recog-

nized body approved by the Commissioner of Education; or

"(2) a hospital to establish or operate a special program for medical students, interns, or residents in the field of family medicine unless the Secretary is satisfied that such program will, in terms of the type of training provided, be designed to prepare participants therein to meet the standards established for specialists in the field of family medicine by a recognized body approved by the Commissioner of Education.

"(c) The Secretary shall not approve any grant under this part unless the applicant therefor provides assurances satisfactory to the Secretary that funds made available through such grant will be so used as to supplement and, to the extent practical, increase the level of non-Federal funds which would, in the absence of such grant, be made available for the purpose for which such grant is requested.

"PLANNING AND DEVELOPMENTAL GRANTS

42 USC 295d-1.

"SEC. 766. (a) For the purpose of assisting medical schools and hospitals (referred to in section 761) to plan or develop programs or projects for the purpose of carrying out one or more of the purposes set forth in such section, the Secretary is authorized for any fiscal year (prior to the fiscal year which ends June 30, 1973) to make planning and developmental grants in such amounts and subject to such conditions as the Secretary may determine to be proper to carry out the purposes of this section.

"(b) From the amounts appropriated in any fiscal year (prior to the fiscal year ending June 30, 1973) pursuant to section 762(a), the Secretary may utilize such amounts as he deems necessary (but not in excess of $8,000,000 for any fiscal year) to make the planning and developmental grants authorized by subsection (a).

"ADVISORY COUNCIL ON FAMILY MEDICINE

Appointment by Secretary.
42 USC 295d-2.
Membership.

"SEC. 767. (a) The Secretary shall appoint an Advisory Council on Family Medicine (hereinafter in this section referred to as the 'Council'). The Council shall consist of twelve members, four of whom shall be physicians engaged in the practice of family medicine, four of whom shall be physicians engaged in the teaching of family medicine, three of whom shall be representatives of the general public, and one of whom shall, at the time of his appointment, be an intern in family medicine. Members of the Council shall be individuals who are not otherwise in the regular full-time employ of the United States.

Term.

"(b)(1) Except as provided in paragraph (2), each member of the Council shall hold office for a term of four years, except that any member appointed to fill a vacancy prior to the expiration of the term for which his predecessor was appointed shall be appointed for the remainder of such term, and except that the terms of office of the members first taking office shall expire, as designated by the Secretary at the time of appointment, three at the end of the first year, three at the end of the second year, three at the end of the third year, and three at the end of the fourth year, after the date of appointment.

"(2) The member of the Council appointed as an intern in family medicine shall serve for one year.

"(3) A member of the Council shall not be eligible to serve continuously for more than two terms.

"(c) Members of the Council shall be appointed by the Secretary without regard to the provisions of title 5, United States Code, gov-

5 USC 101 *et seq.*

erning appointments in the competitive service. Members of the Council, while attending meetings and conferences thereof or otherwise serving on business of the Council, shall be entitled to receive compensation at rates fixed by the Secretary, but not exceeding $100 per day, including traveltime, and while so serving away from their homes or regular places of business they may be allowed travel expenses, including per diem in lieu of subsistence, as authorized by section 5703 of title 5, United States Code, for persons in Government service, employed intermittently. Compensation.

"(d) The Council shall advise and assist the Secretary in the preparation of regulations for, and as to policy matters arising with respect to, the administration of this part. The Council shall consider all applications for grants under this part and shall make recommendations to the Secretary with respect to approval of applications for, and of the amount of, grants under this part.

"DEFINITIONS

"SEC. 768. For purposes of this part— 42 USC 295e.

"(1) the term 'nonprofit' as applied to any hospital or school of medicine means a school of medicine or hospital which is owned and operated by one or more nonprofit corporations or associations, no part of the net earnings of which inures, or may lawfully inure, to the benefit of any private shareholder or individual;

"(2) the term 'family medicine' means those certain principles and techniques and that certain body of medical, scientific, administrative, and other knowledge and training, which especially equip and prepare a physician to engage in the practice of family medicine;

"(3) the term 'practice of family medicine' and the term 'practice', when used in connection with the term 'family medicine', mean the practice of medicine by a physician (licensed to practice medicine and surgery by the State in which he practices his profession) who specializes in providing to families (and members thereof) comprehensive, continuing, professional care and treatment of the type necessary or appropriate for their general health maintenance; and

"(4) the term 'construction' includes construction of new buildings, acquisition, expansion, remodeling, and alteration of existing buildings, and initial equipment of any such buildings, including architects' fees, but excluding the cost of acquisition of lands or offsite improvements."

TITLE II—MALNUTRITION

SEC. 201. (a) The Secretary of Health, Education, and Welfare shall conduct a study, in cooperation with schools training health professional manpower, of the feasibility and desirability of establishing at such schools courses dealing with nutrition and problems related to malnutrition, and of establishing research programs and pilot projects in the field of nutrition and problems of malnutrition. Feasibility study. 42 USC 295 note.

(b) The Secretary is authorized to make grants to health professional schools, in connection with the study provided for by subsection (a), for the planning of programs at such schools, and for the conduct of pilot projects at such schools, to assist such schools in the establishment of courses dealing with nutrition and problems related to malnutrition. Grants.

Report to President and Congress.

(c) The Secretary shall report to the President and to Congress by July 1, 1972, the results of such study, together with such recommendations as he deems advisable.

Appropriation authorization.

(d) There is authorized to be appropriated $5,000,000 to carry out the purposes of this section.

[Note by the Office of the Federal Register.—The foregoing Act, having been presented to the President of the United States on Monday, December 14, 1970, for his approval and not having been returned by him to the House of Congress in which it originated within the time prescribed by the Constitution of the United States, has become a law without his approval on December 25, 1970, in accordance with the decision of the United States Court of Appeals for the District of Columbia Circuit, *Kennedy* v. *Sampson, et al.*, Civil Action Nos. 73-2121 and 2122 (D.C. Cir., Aug. 14, 1974). The Court decision came too late for this law to be published in regular sequence in 84 Stat. Therefore it is placed at the beginning of 89 Stat.]

LEGISLATIVE HISTORY:

HOUSE REPORTS: No. 91-1601 accompanying H.R. 19599 (Comm. on Interstate and Foreign Commerce) and No. 91-1668 (Comm. of Conference).
SENATE REPORT No. 91-1071 (Comm. on Labor and Public Welfare).
CONGRESSIONAL RECORD, Vol. 116 (1970):
Sept. 14, considered and passed Senate.
Dec. 1, considered and passed House, amended, in lieu of H.R. 19599.
Dec. 8, House agreed to conference report.
Dec. 10, Senate agreed to conference report.
WEEKLY COMPILATION OF PRESIDENTIAL DOCUMENTS, Vol. 6, No. 52:
Dec. 24, 1970, President's memorandum of disapproval.
Kennedy v. *Sampson, et al.*,
Civil Action Nos. 73-2121 and 2122 (511 F.2d 430).

Public Law 93-650
93d Congress

An Act

To amend the Urban Mass Transportation Act of 1964 to permit financial assistance to be furnished under that Act for the acquisition of certain equipment which may be used for charter service in a manner which does not foreclose private operators from furnishing such service, and for other purposes.

Jan. 4, 1974
[H.R. 10511]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) section 3 of the Urban Mass Transportation Act of 1964 is amended by adding at the end thereof the following new subsection:

Urban mass transportation.
Federal financial assistance.
49 USC 1602.
Agreement.

"(f) No Federal financial assistance under this Act may be provided for the purchase of buses unless as a condition of such assistance the applicant or any public body receiving assistance for the purchase of of buses under this Act or any publicly owned operator receiving such assistance shall as a condition of such assistance enter into an agreement with the Secretary that such public body, or any operator of mass transportation for the public body, shall not engage in charter bus operations outside of the urban area within which it provides regularly scheduled mass transportation service, except as provided in the agreement authorized by this subsection. Such agreement shall provide for fair and equitable arrangements, appropriate in the judgment of the Secretary, to assure that the financial assistance granted under this Act will not enable public bodies and publicly and privately owned operators for public bodies to foreclose private operators from the intercity charter bus industry where such operators are willing and able to provide such service. In addition to any other remedies specified in the agreements, the Secretary shall have the authority to bar a grantee or operator from the receipt of further financial assistance for mass transportation facilities and equipment where he determines that there has been a continuing pattern of violations of the terms of the agreement. Upon receiving a complaint regarding an alleged violation, the Secretary shall investigate and shall determine whether a violation has occurred. Upon determination that a violation has occurred, he shall take appropriate action to correct the violation under the terms and conditions of the agreement.".

Investigation.

(b)(1) The first sentence of section 164(a) of Public Law 93-87, approved August 13, 1973, is amended—

49 USC 1602a.

(1) by inserting "or" before "(2)"; and

(2) by striking out "or (3) the Urban Mass Transportation Act of 1964,".

(2) The second sentence of such section 164(a) is amended by striking out ", (2), and (3)" and inserting in lieu thereof "and (2)".

49 USC 1602a note.
49 USC 1602a.

SEC. 2. The Secretary shall amend any agreements entered into pursuant to section 164a of the Federal-Aid Highway Act of 1973, Public Law 93-87, to conform to the requirements of section 1 of this Act. The effective date of such conformed agreements shall be the effective date of the original agreements entered into pursuant to section 164a.

[Note by the Office of the Federal Register.—The foregoing Act, having been presented to the President of the United States on Saturday, December 22, 1973, for his approval and not having been returned by him to the House of Congress in which it originated within the time prescribed by the Constitution of the United States, has become a law without his approval on January 4, 1974, in accordance with the order of the United States District Court for the District of Columbia, *Kennedy* v. *Jones, et al.,* Civil Action No. 74–194, D.D.C. 1976. The Court decision came too late for this law to be published in regular sequence in 88 Stat. Therefore it is placed at the beginning of 89 Stat.]

LEGISLATIVE HISTORY:

HOUSE REPORT No. 93–553 (Comm. on Public Works).
SENATE REPORT No. 93–547 (Comm. on Banking, Housing and Urban Affairs).
CONGRESSIONAL RECORD, Vol. 119 (1973):
Oct. 15, considered and passed House.
Nov. 20, considered and passed Senate, amended.
Dec. 21, House agreed to Senate amendments with an amendment; Senate agreed to House amendment.
WEEKLY COMPILATION OF PRESIDENTIAL DOCUMENTS, Vol. 10, No. 1:
Jan. 3, 1974, Presidential memorandum of disapproval.
Kennedy v. *Jones, et al.,*
Civil Action No. 74–194 (412 F. Supp. 353).

Public Law 93-651
93d Congress

An Act

To extend the authorizations of appropriations in the Rehabilitation Act of 1973 for one year, to transfer the Rehabilitation Services Administration to the Office of the Secretary of Health, Education, and Welfare, to make certain technical and clarifying amendments, and for other purposes; to amend the Randolph-Sheppard Act for the blind; to strengthen the program authorized thereunder; and to provide for the convening of a White House Conference on Handicapped Individuals.

Nov. 21, 1974
[H.R. 14225]

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

SEC. 100. This title shall be known as the "Rehabilitation Act Amendments of 1974".

Vocational rehabilitation services.
Rehabilitation Act Amendments of 1974.
29 USC 701 note.

REHABILITATION SERVICES ADMINISTRATION

SEC. 101. (a) Section 3(a) of the Rehabilitation Act of 1973 is amended to read as follows:

"(a) There is established in the Office of the Secretary a Rehabilitation Services Administration which shall be headed by a Commissioner (hereinafter in this Act referred to as the 'Commissioner') appointed by the President by and with the advice and consent of the Senate. Except for titles IV and V and as otherwise specifically provided in this Act, such Administration shall be the principal agency, and the Commissioner shall be the principal officer, of such Department for carrying out this Act. In the performance of his functions, the Commissioner shall be directly responsible to the Secretary or to the Under Secretary or an appropriate Assistant Secretary of such Department, as designated by the Secretary. The functions of the Commissioner shall not be delegated to any officer not directly responsible, both with respect to program operation and administration, to the Commissioner.".

29 USC 702.

29 USC 780, 790.

(b) The amendment made by subsection (a) of this section shall be effective sixty days after the date of enactment of this Act.

Effective date.
29 USC 702 note.

EXTENSION OF AUTHORIZATION OF APPROPRIATIONS FOR VOCATIONAL REHABILITATION SERVICES

SEC. 102. (a) Section 100(b) of such Act is amended by—

(1) striking out "and" after "1974," in paragraph (1) and inserting before the period at the end of such paragraph a comma and "and $720,000,000 for the fiscal year ending June 30, 1976"; and

(2) striking out "and" after "1974," in the first sentence of paragraph (2) and inserting after "1975," in such sentence "and $42,000,000 for the fiscal year ending June 30, 1976;".

Federal grants to States.
29 USC 720.

(b) Section 112(a) of such Act is amended by striking out "and" after "1974," and by inserting "and up to $2,500,000 but no less than $1,000,000 for the fiscal year ending June 30, 1976," after "1975,".

Pilot projects.
29 USC 732.

(c) Section 121(b) of such Act is amended by striking out "1976" and inserting in lieu thereof "1977".

Payments to States.
29 USC 741.

EXTENSION OF AUTHORIZATION OF APPROPRIATIONS FOR RESEARCH AND TRAINING

SEC. 103. Section 201(a) of such Act is amended by—

29 USC 761.

(1) striking out "and" after "1974," in the first sentence of paragraph (1) and inserting after "1975" in such sentence a comma and "and $32,000,000 for the fiscal year ending June 30, 1976";

(2) striking out the comma after "20 per centum" in the second sentence of paragraph (1) and inserting after "respectively,"

in such sentence "and 25 per centum of the amounts appropriated in each succeeding fiscal year"; and

(3) striking out "there is authorized to be appropriated" in paragraph (2) and inserting after "1975" in such paragraph a comma and "and $32,000,000 for the fiscal year ending June 30, 1976".

EXTENSION OF AUTHORIZATION OF APPROPRIATIONS FOR GRANTS FOR CONSTRUCTION OF REHABILITATION FACILITIES

29 USC 771.

SEC. 104. Section 301(a) of such Act is amended by—

(1) striking out "and" after "1974," in the first sentence and inserting before the period at the end of such sentence a comma and "and June 30, 1976"; and

(2) striking out "1977" in the last sentence and inserting in lieu thereof "1978".

EXTENSION OF AUTHORIZATION OF APPROPRIATIONS FOR VOCATIONAL TRAINING SERVICES FOR HANDICAPPED INDIVIDUALS

29 USC 772.

SEC. 105. Section 302(a) of such Act is amended by striking out "and" after "1974," and by inserting after "1975" a comma and "and June 30, 1976".

EXTENSION OF AUTHORIZATION OF APPROPRIATIONS FOR SPECIAL PROJECTS AND DEMONSTRATIONS

29 USC 774.

SEC. 106. Section 304(a)(1) of such Act is amended by striking out "and" after "1974," and by inserting after "1975" a comma and "and $20,000,000 for the fiscal year ending June 30, 1976".

EXTENSION OF AUTHORIZATION OF APPROPRIATIONS FOR NATIONAL CENTER FOR DEAF-BLIND YOUTHS AND ADULTS

29 USC 775.

SEC. 107. Section 305(a) of such Act is amended by striking out "and" after "1974," and by inserting after "1975" a comma and "and June 30, 1976".

EXTENSION OF AUTHORIZATION OF APPROPRIATIONS FOR PROGRAM AND PROJECT EVALUATION

29 USC 783.

SEC. 108. Section 403 of such Act is amended by striking out "and" after "1974," and by inserting after "1975," the following: "and June 30, 1976".

EXTENSION OF AUTHORIZATION OF APPROPRIATIONS FOR SECRETARIAL RESPONSIBILITIES

29 USC 785.

SEC. 109. Section 405(d) of such Act is amended by inserting before the period a comma and "and $600,000 for the fiscal year ending June 30, 1976".

EXTENSION OF AUTHORIZATION OF APPROPRIATIONS FOR ARCHITECTURAL AND TRANSPORTATION BARRIERS COMPLIANCE BOARD

29 USC 792.

SEC. 110. Section 502(h) of such Act is amended by inserting before the period at the end thereof a comma and "and $1,500,000 for the fiscal year ending June 30, 1976".

MISCELLANEOUS AMENDMENTS

SEC. 111. (a) Section 7(6) of such Act is amended by adding at the end thereof the following new sentence: "For the purposes of titles IV and V of this Act, such term means any person who (A) has a physical or mental impairment which substantially limits one or more of such person's major life activities, (B) has a record of such an impairment, or (C) is regarded as having such an impairment.". Handicapped individual. 29 USC 706. 29 USC 780, 790.

(b) Section 101(a)(6) of such Act is amended by adding at the end thereof before the semicolon "(including a requirement that the State agency and facilities in receipt of assistance under this title shall take affirmative action to employ and advance in employment qualified handicapped individuals covered under, and on the same terms and conditions as set forth in, section 503)". State employment requirement. 29 USC 721. 29 USC 793.

(c) Section 101(a)(9)(C) of such Act is amended by adding at the end thereof before the semicolon "in such detail as required by the Secretary in order for him to analyze and evaluate annually the reasons for and numbers of such ineligibility determinations as part of his responsibilities under section 401, and that the State agency will at least annually categorize and analyze such reasons and numbers and report this information to the Secretary and will, not later than 12 months after each such determination, review each such ineligibility determination in accordance with the criteria set forth in section 102". Ineligibility determinations, review. 29 USC 721. 29 USC 781. 29 USC 722.

(d) Section 101(a)(15) of such Act is amended by inserting after "facilities" at the end of the parenthetical "and review of the efficacy of the criteria employed with respect to ineligibility determinations described in subclause (C) of clause (9) of this subsection". Continuing studies. 29 USC 721.

(e) Section 102 of such Act is amended by— Individualized written rehabilitation program. 29 USC 722.

(1) inserting in subsection (a) after "program" where it first appears in the first sentence a comma and "or the specification of reasons for a determination of ineligibility prior to initiation of such program based on preliminary diagnosis,", and inserting at the end of the second sentence of such subsection before the period a comma and "and, as appropriate, such specification of reasons for such an ineligibility determination shall set forth the rights and remedies, including recourse to the process set forth in subsection (b)(5) of this section, available to the individual in question";

(2) striking out in subsection (c) all of clause (1) from "in" the first time it appears through "primary" and inserting in lieu thereof "in making any determination of ineligibility referred to in subsection (a) of this section, or in developing and carrying out the individualized written rehabilitation program required by section 101 in the case of each handicapped individual,";

(3) striking out in clause (2) of subsection (c) "program, that the evaluation of rehabilitation potential" and inserting in lieu thereof "program, or as a part of the specification of reasons for an ineligibility determination, as appropriate, that the preliminary diagnosis or evaluation of rehabilitation potential, as appropriate,"; and

(4) inserting in clause (3) of subsection (c) a comma and "as an amendment to such written program," after "decision".

(f) Section 112(a) is amended by— 29 USC 732.

(1) striking out "an amount equal to the amount obligated for expenditure for carrying out such projects and demonstrations for appropriations under the Vocational Rehabilitation Act in

the fiscal year ending June 30, 1973," and inserting in lieu thereof "$11,860,000"; and

(2) adding at the end thereof a new sentence as follows: "In the event that funds so appropriated under section 304 do not exceed $11,860,000 in any fiscal year, the Secretary is authorized to utilize such funds to carry out this section".

Ante, p. 2-4.

29 USC 750. (g) Section 130(b) of such Act is amended by striking out "February 1, 1975" and inserting in lieu thereof "June 30, 1975".

29 USC 762. (h) Section 202(a) of such Act is amended by striking out "and analyses" in the penultimate clause and inserting in lieu thereof a comma and "analyses, and demonstrations".

29 USC 774. (i) Section 304(b) of such Act is amended by—

(1) striking out "and" before "(2)" in the first sentence, and inserting at the end of such sentence before the period a comma and "and (3) for operating programs (including renovation and construction of facilities, where appropriate) to demonstrate methods of making recreational activities fully accessible to handicapped individuals"; and

(2) striking out "for" the third time it appears in the parenthetical in clause (2) in the first sentence and inserting in lieu thereof "or".

(j) Section 304(c) of such Act is amended by inserting after "Labor," in the first sentence "who".

(k) Section 304(e)(1) of such Act is amended by inserting after "(B)" the following: "with the concurrence of the Board established by section 502,".

Infra.

29 USC 776. (l)(1) Section 306(b) of such Act is amended by inserting after "project" a comma and "or for a project which involves construction,".

(2) Section 306(b)(4) of such Act is amended by inserting after "specifications" the following: "which have been approved by the Board established by section 502,".

29 USC 785. (m) Section 405(c) of such Act is amended by—

(1) striking out "the Handicapped" and inserting in lieu thereof "Handicapped Individuals"; and

(2) by adding at the end thereof the following new sentence: "In no event shall any functions under this section be further delegated to any persons with operational responsibilities for carrying out functions authorized under any other section of this Act or under any other provision of law designed to benefit handicapped individuals.".

29 USC 792. (n)(1) Section 502(a) of such Act is amended by redesignating clauses (6), (7), and (8) thereof as clauses (7), (8), and (9), respectively, and by inserting immediately after clause (5) the following new clause:

"(6) Department of Defense;".

Architectural and Transportation Barriers Compliance Board, Chairman. Consumer Advisory Panel, appointment.

(2) Section 502(a) of such Act is further amended by adding at the end thereof the following new sentence: "The Secretary of Health, Education, and Welfare shall be the Chairman of the Board, and the Board shall appoint, upon recommendation of the Secretary, a Consumer Advisory Panel, a majority of the members of which shall be handicapped individuals, to provide guidance, advice, and recommendations to the Board in carrying out its functions.".

(o)(1) Section 502(d) of such Act is amended by striking out "section, the Board" in the first sentence and inserting in lieu thereof "Act, the Board shall, directly or through grants to or contracts with public or private nonprofit organizations, carry out its functions under subsections (b) and (c) of this section, and".

(2) Section 502(d) of such Act is further amended by adding at the end thereof the following new sentences: "Any such order affecting any Federal department, agency, or instrumentality of the United States shall be final and binding on such department, agency, or instrumentality. An order of compliance may include the withholding or suspension of Federal funds with respect to any building found not to be in compliance with standards prescribed pursuant to the Acts cited in subsection (b) of this section.". *Ante*, p. 2-6.

Withholding or suspension of Federal funds.

(p) Section 502(e) of such Act is amended by adding before the first sentence the following new first sentence: "There shall be appointed by the Board an executive director and such other professional and clerical personnel as are necessary to carry out its functions under this Act.". Additional Board appointees. 29 USC 792.

(q) Section 502(g) of such Act is amended by striking out in the penultimate sentence "prior to January 1" and inserting in lieu thereof "not later than September 30". Reports to Congress.

TITLE II—RANDOLPH-SHEPPARD ACT AMENDMENTS

Randolph-Sheppard Act Amendments of 1974.

SHORT TITLE

SEC. 200. This title may be cited as the "Randolph-Sheppard Act Amendments of 1974". 20 USC 107 note.

FINDINGS

SEC. 201. The Congress finds— 20 USC 107 note.

(1) after review of the operation of the blind vending stand program authorized under the Randolph-Sheppard Act of June 20, 1936, that the program has not developed, and has not been sustained, in the manner and spirit in which the Congress intended at the time of its enactment, and that, in fact, the growth of the program has been inhibited by a number of external forces; 20 USC 107.

(2) that the potential exists for doubling the number of blind operators on Federal and other property under the Randolph-Sheppard program within the next five years, provided the obstacles to growth are removed, that legislative and administrative means exist to remove such obstacles, and that Congress should adopt legislation to that end; and

(3) that at a minimum the following actions must be taken to insure the continued vitality and expansion of the Randolph-Sheppard program—

(A) establish uniformity of treatment of blind vendors by all Federal departments, agencies, and instrumentalities,

(B) establish guidelines for the operation of the program by State licensing agencies,

(C) require coordination among the several entities with responsibility for the program,

(D) establish a priority for vending facilities operated by blind vendors on Federal property,

(E) establish administrative and judicial procedures under which fair treatment of blind vendors, State licensing agencies, and the Federal Government is assured,

(F) require stronger administration and oversight functions in the Federal office carrying out the program, and

(G) accomplish other legislative and administrative objectives which will permit the Randolph-Sheppard program to flourish.

OPERATION OF VENDING FACILITIES ON FEDERAL PROPERTY

SEC. 202. The first section of the Act entitled "An Act to authorize the operation of stands in Federal buildings by blind persons, to enlarge the economic opportunities of the blind, and for other purposes" (hereafter referred to in this title as the "Randolph-Sheppard Act"), approved June 20, 1936, as amended (20 U.S.C. 107), is amended by striking out all after the enacting clause and inserting in lieu thereof the following:

"That (a) for the purposes of providing blind persons with remunerative employment, enlarging the economic opportunities of the blind, and stimulating the blind to greater efforts in striving to make themselves self-supporting, blind persons licensed under the provisions of this Act shall be authorized to operate vending facilities on any Federal property.

Regulations.

"(b) In authorizing the operation of vending facilities on Federal property, priority shall be given to blind persons licensed by a State agency as provided in this Act; and the Secretary, through the Commissioner, shall, after consultation with the Administrator of General Services and other heads of departments, agencies, or instrumentalities of the United States in control of the maintenance, operation, and protection of Federal property, prescribe regulations designed to assure that—

"(1) the priority under this subsection is given to such licensed blind persons (including assignment of vending machine income pursuant to section 7 of this Act to achieve and protect such priority), and

Post, pp. 2-11, 2-12.

"(2) wherever feasible, one or more vending facilities are established on all Federal property to the extent that any such facility or facilities would not adversely affect the interests of the United States.

Any limitation on the placement or operation of a vending facility based on a finding that such placement or operation would adversely affect the interests of the United States shall be fully justified in writing to the Secretary, who shall determine whether such limitation is justified. A determination made by the Secretary pursuant to this provision shall be binding on any department, agency, or instrumentality of the United States affected by such determination. The Secretary shall publish such determination, along with supporting documentation, in the Federal Register.".

Publication in Federal Register.

FEDERAL AND STATE RESPONSIBILITIES

20 USC 107a.

SEC. 203. (a)(1) Section 2(a) of the Randolph-Sheppard Act is amended by redesignating paragraphs (1) through (5) as paragraphs (2) through (6), respectively, and by inserting the following new paragraph (1):

"(1) Insure that the Rehabilitation Services Administration is the principal agency for carrying out this Act; and the Commissioner shall, within one hundred and eighty days after enactment of the Randolph-Sheppard Act Amendments of 1974, establish requirements for the uniform application of this Act by each State agency designated under paragraph (5) of this subsection, including appropriate accounting procedures, policies on the selection and establishment of new vending facilities, distribution of income to blind vendors, and the use and control of set-aside funds under section 3(3) of this Act;"

20 USC 107b.

Supra.

(2) Section 2(a)(2) of such Act, as redesignated by paragraph (1) of this subsection, is amended to read as follows:

"(2) Through the Commissioner, make annual surveys of concession vending opportunities for blind persons on Federal and other property in the United States, particularly with respect to Federal property under the control of the General Services Administration, the Department of Defense, and the United States Postal Service;".

Concession vending opportunities, annual surveys.

(3) Section 2(a)(5) of such Act, as redesignated by paragraph (1) of this subsection, is amended—

Ante, p. 2-8.
20 USC 107a.

(A) by striking out "commission" each place it appears and inserting in lieu thereof "agency",

(B) by striking out "and at least twenty-one years of age",

(C) by striking out "articles dispensed automatically or in containers or wrapping in which they are placed before receipt by the vending stand, and such other articles as may be approved for each property by the department or agency in control of the maintenance, operation, and protection thereof and the State licensing agency in accordance with the regulations prescribed pursuant to the first section" and inserting in lieu thereof the following: "foods, beverages, and other articles or services dispensed automatically or manually and prepared on or off the premises in accordance with all applicable health laws, as determined by the State licensing agency, and including the vending or exchange of chances for any lottery authorized by State law and conducted by an agency of a State",

(D) by striking out "stands" and "stand" and inserting in lieu thereof "facilities" and "facility", respectively, and

(E) by striking out the colon and all matter following the colon, and inserting in lieu thereof "; and".

(4) Section 2(a)(6) of such Act, as redesignated by paragraph (1) of this subsection, is amended to read as follows:

"(6) Through the Commission, (A) conduct periodic evaluations of the program authorized by this Act, including upward mobility and other training required by section 8, and annually submit to the appropriate committees of Congress a report based on such evaluations, and (B) take such other steps, including the issuance of such rules and regulations, as may be necessary or desirable in carrying out the provisions of this Act."

Evaluations, annual report to congressional committees.
Post, p. 2-13.
Rules and regulations.

(b) Section 2(b) of such Act is amended—

(1) by striking out "stand" the first time it appears in the first sentence and where it appears in the second sentence and inserting in lieu thereof "facility";

(2) by striking out "and have resided for at least one year in the State in which such stand is located"; and

(3) by striking out "but are able, in spite of such infirmity, to operate such stands".

(c) Section 2(c) of such Act is amended by striking out "stand" in each place in which it appears and inserting in lieu thereof "facility".

(d) Section 2 of such Act is further amended by adding at the end thereof the following new subsections:

Federally occupied buildings, sites for vending facilities.

"(d)(1) After January 1, 1975, no department, agency, or instrumentality of the United States shall undertake to acquire by ownership, rent, lease, or to otherwise occupy, in whole or in part, any building unless, after consultation with the head of such department, agency, or instrumentality and the State licensing agency, it is determined by the Secretary that (A) such building includes a satisfactory site or sites for the location and operation of a vending facility by a blind person, or (B) if a building is to be constructed, substantially altered, or renovated, or in the case of a building that is already occupied on such date by such department, agency, or instrumentality,

is to be substantially altered or renovated for use by such department, agency, or instrumentality, the design for such construction, substantial alteration, or renovation includes a satisfactory site or sites for the location and operation of a vending facility by a blind person. Each such department, agency, or instrumentality shall provide notice to the appropriate State licensing agency of its plans for occupation, acquisition, renovation, or relocation of a building adequate to permit such State agency to determine whether such building includes a satisfactory site or sites for a vending facility.

Notice to State licensing agency.

"(2) The provisions of paragraph (1) shall not apply (A) when the Secretary and the State licensing agency determine that the number of people using the property is or will be insufficient to support a vending facility, or (B) to any privately owned building, any part of which is leased by any department, agency, or instrumentality of the United States and in which, (i) prior to the execution of such lease, the lessor or any of his tenants had in operation a restaurant or other food facility in a part of the building not included in such lease, and (ii) the operation of such a vending facility by a blind person would be in proximate and substantial direct competition with such restaurant or other food facility, except that each such department, agency, and instrumentality shall make every effort to lease property in privately owned buildings capable of accommodating a vending facility.

"Satisfactory site."

"(3) For the purposes of this subsection, the term 'satisfactory site' means an area determined by the Secretary to have sufficient space, electrical and plumbing outlets, and such other facilities as the Secretary may by regulation prescribe, for the location and operation of a vending facility by a blind person.

"(e) In any State having an approved plan for vocational rehabilitation pursuant to the Vocational Rehabilitation Act or the Rehabilitation Act of 1973 (Public Law 93-112), the State licensing agency designated under paragraph (5) of subsection (a) of this section shall be the State agency designated under section 101(a)(1)(A) of such Rehabilitation Act of 1973.".

29 USC 31 note, 701 note.

29 USC 721.

DUTIES OF STATE LICENSING AGENCIES AND ARBITRATION

20 USC 107b.

SEC. 204. (a) Section 3 of the Randolph-Sheppard Act is amended—

(1) by striking out "commission" and inserting in lieu thereof "agency";

(2) by striking out in paragraphs (2) and (3) "stand" and "stands" wherever such terms appear and inserting in lieu thereof "facility" and "facilities", respectively; and

(3) by striking out in paragraph (6) the word "stand" and inserting in lieu thereof "facility", and, by inserting immediately before the period the following: ", and to agree to submit the grievances of any blind licensee not otherwise resolved by such hearing to arbitration as provided in section 5 of this Act".

Post, p. 2-11.

Set-aside funds.

(b) Section 3(3) of such Act is further amended by striking out "and" immediately before subparagraph (D) and by inserting immediately before the colon at the end of such subparagraph the following "; and (E) retirement or pension funds, health insurance contributions, and provision for paid sick leave and vacation time, if it is determined by a majority vote of blind licensees licensed by such State agency, after such agency provides to each such licensee full information on all matters relevant to such proposed program, that funds under this paragraph shall be set aside for such purposes".

(c) Section 3(3) of such Act is further amended by inserting before the word "proceeds" in both places it appears, the word "net".

REPEALS

SEC. 205. Sections 4 and 7 of the Randolph-Sheppard Act are repealed. 20 USC 107c, 107e-1.

ARBITRATION; VENDING MACHINE INCOME; PERSONNEL; TRAINING

SEC. 206. The Randolph-Sheppard Act is further amended by redesignating sections 5, 6, and 8, as sections 4, 9, and 10, respectively, and by inserting immediately after section 4, as redesignated, the following new sections: 20 USC 107d, 107e, 107f.

"SEC. 5. (a) Any blind licensee who is dissatisfied with any action arising from the operation or administration of the vending facility program may submit to a State licensing agency a request for a full evidentiary hearing, which shall be provided by such agency in accordance with section 3(6) of this Act. If such blind licensee is dissatisfied with any action taken or decision rendered as a result of such hearing, he may file a complaint with the Secretary who shall convene a panel to arbitrate the dispute pursuant to section 6 of this Act, and the decision of such panel shall be final and binding on the parties except as otherwise provided in this Act. 20 USC 107d-1. *Ante*, p. 2-10. *Infra.*

"(b) Whenever any State licensing agency determines that any department, agency, or instrumentality of the United States that has control of the maintenance, operation, and protection of Federal property is failing to comply with the provisions of this Act or any regulations issued thereunder (including a limitation on the placement or operation of a vending facility as described in section 1(b) of this Act and the Secretary's determination thereon) such licensing agency may file a complaint with the Secretary who shall convene a panel to arbitrate the dispute pursuant to section 6 of this Act, and the decision of such panel shall be final and binding on the parties except as otherwise provided in this Act. *Ante*, p. 2-8. *Infra.*

"SEC. 6. (a) Upon receipt of a complaint filed under section 5 of this Act, the Secretary shall convene an ad hoc arbitration panel as provided in subsection (b). Such panel shall, in accordance with the provisions of subchapter II of chapter 5 of title 5, United States Code, give notice, conduct a hearing, and render its decision which shall be subject to appeal and review as a final agency action for purposes of chapter 7 of such title 5. Arbitration panel, duties. 20 USC 107d-2. 5 USC 551. 5 USC 701.

"(b)(1) The arbitration panel convened by the Secretary to hear grievances of blind licensees shall be composed of three members appointed as follows: Membership.

"(A) one individual designated by the State licensing agency;

"(B) one individual designated by the blind licensee; and

"(C) one individual, not employed by the State licensing agency or, where appropriate, its parent agency, who shall serve as chairman, jointly designated by the members appointed under subparagraphs (A) and (B).

If any party fails to designate a member under subparagraph (1) (A), (B), or (C), the Secretary shall designate such member on behalf of such party.

"(2) The arbitration panel convened by the Secretary to hear complaints filed by a State licensing agency shall be composed of three members appointed as follows:

"(A) one individual, designated by the State licensing agency;

"(B) one individual, designated by the head of the Federal department, agency, or instrumentality controlling the Federal property over which the dispute arose; and

"(C) one individual, not employed by the Federal department, agency, or instrumentality controlling the Federal property over

which the dispute arose, who shall serve as chairman, jointly designated by the members appointed under subparagraphs (A) and (B).

If any party fails to designate a member under subparagraph (2) (A), (B), or (C), the Secretary shall designate such member on behalf of such party. If the panel appointed pursuant to paragraph (2) finds that the acts or practices of any such department, agency, or instrumentality are in violation of this Act, or any regulation issued thereunder, the head of any such department, agency, or instrumentality shall cause such acts or practices to be terminated promptly and shall take such other action as may be necessary to carry out the decision of the panel.

Publication in Federal Register.

"(c) The decisions of a panel convened by the Secretary pursuant to this section shall be matters of public record and shall be published in the Federal Register.

Publication in Federal Register.

"(d) The Secretary shall pay all reasonable costs of arbitration under this section in accordance with a schedule of fees and expenses he shall publish in the Federal Register.

Vending machine income accrual. 20 USC 107d-3.

"SEC. 7. (a) In accordance with the provisions of subsection (b) of this section, vending machine income obtained from the operation of vending machines on Federal property shall accrue (1) to the blind licensee operating a vending facility on such property, or (2) in the event there is no blind licensee operating such facility on such property, to the State agency in whose State the Federal property is located, for the uses designated in subsection (c) of this section, except that with respect to income which accrues under clause (1) of this subsection, the Commissioner may prescribe regulations imposing a ceiling on income from such vending machines for an individual blind licensee. In the event such a ceiling is imposed, no blind licensee shall receive less vending machine income under such ceiling than he was receiving on January 1, 1974. No limitation shall be imposed on income from vending machines, combined to create a vending facility, which are maintained, serviced, or operated by a blind licensee. Any amounts received by a blind licensee that are in excess of the amount permitted to accrue to him under any ceiling imposed by the Commissioner shall be disbursed to the appropriate State agency under clause (2) of this subsection and shall be used by such agency in accordance with subsection (c) of this section.

Excess amounts, transfer to State agency.

"Direct competition."

"(b) (1) After January 1, 1975, 100 per centum of all vending machine income from vending machines on Federal property which are in direct competition with a blind vending facility shall accrue as specified in subsection (a) of this section. 'Direct competition' as used in this section means the existence of any vending machines or facilities operated on the same premises as a blind vending facility except that vending machines or facilities operated in areas serving employees the majority of whom normally do not have direct access to the blind vending facility shall not be considered in direct competition with the blind vending facility. After January 1, 1975, 50 per centum of all vending machine income from vending machines on Federal property which are not in direct competition with a blind vending facility shall accrue as specified in subsection (a) of this section, except that with respect to Federal property at which at least 50 per centum of the total hours worked on the premises occurs during periods other than normal working hours, 30 per centum of such income shall so accrue.

"(2) The head of each department, agency, and instrumentality of the United States shall insure compliance with this section with respect to buildings, installations, and facilities under his control, and shall be responsible for collection of, and accounting for, such vending machine income.

"(c) All vending machine income which accrues to a State licensing agency pursuant to subsection (a) of this section shall be used to establish retirement or pension plans, for health insurance contributions, and for provision of paid sick leave and vacation time for blind licensees in such State, subject to a vote of blind licensees as provided under section 3(3)(E) of this Act. Any vending machine income remaining after application of the first sentence of this subsection shall be used for the purposes specified in sections 3(3) (A), (B), (C), and (D) of this Act, and any assessment charged to blind licensees by a State licensing agency shall be reduced pro rata in an amount equal to the total of such remaining vending machine income.

State licensing agencies, income accrual, use.

Ante, p. 2-10.

20 USC 107b.

"(d) Subsections (a) and (b)(1) of this section shall not apply to income from vending machines within retail sales outlets under the control of exchange or ships' stores systems authorized by title 10, United States Code, or to income from vending machines operated by the Veterans Canteen Service, or to income from vending machines not in direct competition with a blind vending facility at individual locations, installations, or facilities on Federal property the total of which at such individual locations, installations, or facilities does not exceed $3,000 annually.

Nonapplicability.

10 USC 101 *et seq.*

"(e) The Secretary, through the Commissioner, shall prescribe regulations to establish a priority for the operation of cafeterias on Federal property by blind licensees when he determines, on an individual basis and after consultation with the head of the appropriate installation, that such operation can be provided at a reasonable cost with food of a high quality comparable to that currently provided to employees, whether by contract or otherwise.

Cafeterias on Federal property, priority for operation, regulations.

"(f) This section shall not operate to preclude preexisting or future arrangements, or regulations of departments, agencies, or instrumentalities of the United States, under which blind licensees (1) receive a greater percentage or amount of vending machine income than that specified in subsection (b)(1) of this section, or (2) receive vending machine income from individual locations, installations, or facilities on Federal property the total of which at such individual locations, installations, or facilities does not exceed $3,000 annually.

Preexisting conditions or future arrangements.

"(g) The Secretary shall take such action and promulgate such regulations as he deems necessary to assure compliance with this section.

Regulations.

"SEC. 8. The Commissioner shall insure, through promulgation of appropriate regulations, that uniform and effective training programs, including on-the-job training, are provided for blind individuals, through services under the Rehabilitation Act of 1973 (Public Law 93-112). He shall further insure that State agencies provide programs for upward mobility (including further education and additional training or retraining for improved work opportunities) for all trainees under this Act, and that follow-along services are provided to such trainees to assure that their maximum vocational potential is achieved.".

Training programs.
20 USC 107d-4.

29 USC 701 note.

DEFINITIONS

SEC. 207. Section 9 of the Randolph-Sheppard Act, as redesignated by section 206 of this title, is amended to read as follows:

Ante, p. 2-11.
20 USC 107e.

"SEC. 9. As used in the Act—

"(1) 'blind person' means a person whose central visual acuity does not exceed 20/200 in the better eye with correcting lenses or whose visual acuity, if better than 20/200, is accompanied by a limit to the field of vision in the better eye to such a degree that its widest diameter subtends an angle of no greater than twenty degrees. In determining whether an individual is blind, there shall be an examination by a physician skilled in diseases of the

eye, or by an optometrist, whichever the individual shall select;

"(2) 'Commissioner' means the Commissioner of the Rehabilitation Services Administration;

"(3) 'Federal property' means any building, land, or other real property owned, leased, or occupied by any department, agency, or instrumentality of the United States (including the Department of Defense and the United States Postal Service), or any other instrumentality wholly owned by the United States, or by any department or agency of the District of Columbia or any territory or possession of the United States;

"(4) 'Secretary' means the Secretary of Health, Education, and Welfare;

"(5) 'State' means a State, territory, possession, Puerto Rico, or the District of Columbia;

"(6) 'United States' includes the several States, territories, and possessions of the United States, Puerto Rico, and the District of Columbia;

"(7) 'vending facility' means automatic vending machines, cafeterias, snack bars, cart service, shelters, counters, and such other appropriate auxiliary equipment as the Secretary may by regulation prescribe as being necessary for the sale of the articles or services described in section 2(a)(5) of this Act and which may be operated by blind licensees; and

Ante, p. 2-9.

"(8) 'vending machine income' means receipts (other than those of a blind licensee) from vending machine operations on Federal property, after cost of goods sold (including reasonable service and maintenance costs), where the machines are operated, serviced, or maintained by, or with the approval of, a department, agency, or instrumentality of the United States, or commissions paid (other than to a blind licensee) by a commercial vending concern which operates, services, and maintains vending machines on Federal property for, or with the approval of, a department, agency, or instrumentality of the United States.".

PERSONNEL

29 USC 702 note.

SEC. 208. (a) The Secretary of Health, Education, and Welfare is directed to assign to the Office for the Blind and Visually Handicapped of the Rehabilitation Services Administration of the Department of Health, Education, and Welfare ten additional full-time personnel (or their equivalent), five of whom shall be supportive personnel, to carry out duties related to the administration of the Randolph-Sheppard Act.

20 USC 107.

(b) Section 5108(c) of title 5, United States Code, is amended—

(1) by striking out "and" at the end of paragraph (10);

(2) by striking out the period at the end of paragraph (11) and inserting in lieu thereof "; and"; and

(3) by adding after paragraph (11) the following new paragraph:

"(12) the Secretary of Health, Education, and Welfare, subject to the standards and procedures prescribed by this chapter, may place one additional position in the Office for the Blind and Visually Handicapped of the Rehabilitation Services Administration in GS-16, GS-17, or GS-18.".

5 USC 5332 note.

29 USC 702 note.

(c) In selecting personnel to fill any position under this section, the Secretary of Health, Education, and Welfare shall give preference to blind individuals.

20 USC 107d.

(d) Section 4(b) of the Randolph-Sheppard Act, as redesignated by section 206 of this title, is amended by striking out ", and at least 50 per centum of such additional personnel shall be blind persons".

ADDITIONAL STAFF RESPONSIBILITIES

SEC. 209. In addition to other requirements imposed in this title and in the Randolph-Sheppard Act upon State licensing agencies, such agencies shall— 20 USC 107b-1. 20 USC 107.

(1) provide to each blind licensee access to all relevant financial data, including quarterly and annual financial reports, on the operation of the State vending facility program;

(2) conduct the biennial election of a Committee of Blind Vendors who shall be fully representative of all blind licensees in the State program, and

(3) insure that such committee's responsibilities include (A) participation, with the State agency, in major administrative decisions and policy and program development, (B) receiving grievances of blind licensees and serving as advocates for such licensees, (C) participation, with the State agency, in the development and administration of a transfer and promotion system for blind licensees, (D) participation, with the State agency, in developing training and retraining programs, and (E) sponsorship, with the assistance of the State agency, of meetings and instructional conferences for blind licensees.

STANDARDS, STUDIES, AND REPORTS

SEC. 210. (a) The Secretary, through the Commissioner, after a period of study not to exceed six months following the date of enactment of this title, and after full consultation with, and full consideration of the views of, blind vendors and State licensing agencies, shall promulgate national standards for funds set aside pursuant to section 3(3) of the Randolph-Sheppard Act which include maximum and minimum amounts for such funds, and appropriate contributions, if any, to such funds by blind vendors. National standards for set-aside funds. 20 USC 107b-2. *Ante*, p. 2-10.

(b)(1) The Secretary shall study the feasibility and desirability of establishing a nationally administered retirement, pension, and health insurance system for blind licensees, and such study shall include, but not be limited to, consideration of eligibility standards, amounts and sources of contributions, number of potential participants, total costs, and alternative forms of administration, including trust funds and revolving funds. Nationally administered retirement, pension, and health insurance system, study.

(2) The Secretary shall, within one year following the date of enactment of this title, complete the study required by paragraph (1) of this subsection and report his findings, together with any recommendations, to the President and the Congress. Report to President and Congress.

(c) The Secretary shall, not later than September 30, 1975, complete an evaluation of the method of assigning vending machine income under section 7(b)(1) of the Randolph-Sheppard Act, including its effect on the growth of the program authorized by the Act, and on the operation of nonappropriated fund activities, and within thirty days thereafter he shall report his findings, together with any recommendations, to the appropriate committees of the Congress. Report to congressional committees. *Ante*, p. 2-12.

(d) Each State licensing agency shall, within one year following the date of enactment of this title, submit to the Secretary a report, with appropriate supporting documentation, which shows the actions taken by such agency to meet the requirements of section 2(a)(1) of the Randolph-Sheppard Act. Report to Secretary. *Ante*, p. 2-8.

AUDIT

SEC. 211. The Comptroller General is authorized to conduct regular and periodic audits of all nonappropriated fund activities which receive income from vending machines on Federal property, under 20 USC 107b-3.

such rules and regulations as he may prescribe. In the conduct of such audits he and his duly authorized representatives shall have access to any relevant books, documents, papers, accounts, and records of such activities as he deems necessary.

White House Conference on Handicapped Individuals Act.

TITLE III—WHITE HOUSE CONFERENCE ON HANDICAPPED INDIVIDUALS

SHORT TITLE

29 USC 701 note.

SEC. 300. This title may be cited as the "White House Conference on Handicapped Individuals Act".

FINDINGS AND POLICY

29 USC 701 note.

SEC. 301. The Congress finds that—

(1) the United States has achieved great and satisfying success in making possible a better quality of life for a large and increasing percentage of our population;

(2) the benefits and fundamental rights of this society are often denied those individuals with mental and physical handicaps;

(3) there are seven million children and at least twenty-eight million adults with mental or physical handicaps;

(4) it is of critical importance to this Nation that equality of opportunity, equal access to all aspects of society and equal rights guaranteed by the Constitution of the United States be provided to all individuals with handicaps;

(5) the primary responsibility for meeting the challenge and problems of individuals with handicaps has often fallen on the individual or his family;

(6) it is essential that recommendations be made to assure that all individuals with handicaps are able to live their lives independently and with dignity, and that the complete integration of all individuals with handicaps into normal community living, working, and service patterns be held as the final objective; and

(7) all levels of Government must necessarily share responsibility for developing opportunities for individuals with handicaps;

and it is therefore the policy of the Congress that the Federal Government work jointly with the States and their citizens to develop recommendations and plans for action in solving the multifold problems facing individuals with handicaps.

AUTHORITY OF PRESIDENT, COUNCIL, AND SECRETARY

29 USC 701 note.

SEC. 302. (a) The President is authorized to call a White House Conference on Handicapped Individuals not later than two years after the date of enactment of this title in order to develop recommendations and stimulate a national assessment of problems, and solutions to such problems, facing individuals with handicaps. Such a conference shall be planned and conducted under the direction of the National Planning and Advisory Council, established pursuant to subsection (b) of this section, and the Secretary of Health, Education, and Welfare (hereinafter referred to as the "Secretary") and each Federal department and agency shall provide such cooperation and assistance to the Council, including the assignment of personnel, as may reasonably be required by the Secretary.

National Planning and Advisory Council. Establishment.

(b) (1) There is established a National Planning and Advisory Council (in this title referred to as the "Council"), appointed by the

Secretary, composed of twenty-eight members of whom not less than ten shall be individuals with handicaps appointed to represent all individuals with handicaps, and five shall be parents of individuals with handicaps appointed to represent all such parents and individuals. The Council shall provide guidance and planning for the Conference. Membership.

(2) Any member of the Council who is otherwise employed by the Federal Government shall serve without compensation in addition to that received in his regular employment.

(3) Members of the Council, other than those referred to in paragraph (1), shall receive compensation at rates not to exceed the daily rate prescribed for GS-18 under section 5332, title 5, United States Code, for each day they are engaged in the performance of their duties (including traveltime); and, while so serving away from their homes or regular places of business, they shall be allowed travel expenses, including per diem in lieu of subsistence, in the same manner as the expenses authorized by section 5703, title 5, United States Code, for persons in Government service employed intermittently. Compensation; travel expenses. 5 USC 5332 note.

(4) Such Council shall cease to exist one-hundred and twenty days after the submission of the final report required by section 302(e). Termination date.

(c) For the purpose of ascertaining facts and making recommendations concerning the utilization of skills, experience, and energies, and the improvement of the conditions of individuals with handicaps, the Conference shall bring together individuals with handicaps and members of their families and representatives of Federal, State, and local governments, professional experts, and members of the general public recognized by individuals with handicaps as being knowledgeable about problems affecting their lives.

(d) Participants in the White House Conference, and in conferences and other activities leading up to the White House Conference at the local and State level are authorized to consider all matters related to the purposes of the Conference set forth in subsection (a), but shall give special consideration to recommendations for: Recommendations.

(1) providing education, health, and diagnostic services for all children early in life so that handicapping conditions may be discovered and treated;

(2) assuring that every individual with a handicap receives appropriately designed benefits of the educational system;

(3) assuring that individuals with handicaps have available to them all special services and assistance which will enable them to live their lives as fully and independently as possible;

(4) enabling individuals with handicaps to have access to usable communication services and devices at costs comparable to other members of the population;

(5) assuring that individuals with handicaps will have maximum mobility to participate in all aspects of society, including access to all publicy-assisted transportation services and, when necessary, alternative means of transportation at comparable cost;

(6) improving utilization and adaptation of modern engineering and other technology to ameliorate the impact of handicapping conditions on the lives of individuals and especially on their access to housing and other structures;

(7) assuring individuals with handicaps of equal opportunity with others to engage in gainful employment;

(8) enabling individuals with handicaps to have incomes sufficient for health and for participation in family and community life as self-respecting citizens;

(9) increasing research relating to all aspects of handicapping conditions, stressing the elimination of causes of handicapping conditions and the amelioration of the effects of such conditions;

(10) assuring close attention and assessment of all aspects of diagnosis and evaluation of individuals with handicaps;

(11) assuring review and evaluation of all governmental programs in areas affecting individuals with handicaps, and a close examination of the public role in order to plan for the future;

(12) resolving the special problems of veterans with handicaps;

(13) resolving the problems of public awareness and attitudes that restrict individuals with handicaps from participating in society to their fullest extent;

(14) resolving the special problems of individuals with handicaps who are homebound or institutionalized;

(15) resolving the special problems of individuals with handicaps who have limited English-speaking ability;

(16) alloting funds for basic vocational rehabilitation services under part B of title I of the Rehabilitation Act of 1973 in a fair and equitable manner in consideration of the factors set forth in section 407(a) of such Act; and

29 USC 730.

29 USC 787.

(17) promoting other related matters for individuals with handicaps.

Report to President; availability to public.

(e) A final report of the White House Conference on Handicapped Individuals shall be submitted by the Council to the President not later than one hundred and twenty days following the date on which the conference is called, and the findings and recommendations included therein shall be immediately made available to the public. The Council and the Secretary shall, within ninety days after the submission of such final report, transmit to the President and the Congress their recommendations for administrative action and legislation necessary to implement the recommendations contained in such report.

Recommendations, transmittal to President and Congress.

RESPONSIBILITIES OF COUNCIL AND SECRETARY

29 USC 701 note.

SEC. 303. (a) In carrying out the provisions of this title, the Council and the Secretary shall—

(1) request the cooperation and assistance of such other Federal departments and agencies as may be appropriate, including Federal advisory bodies having responsibilities in areas affecting individuals with handicaps;

(2) render all reasonable assistance, including financial assistance, to the States in enabling them to organize and conduct conferences on handicapped individuals prior to the White House Conference on Handicapped Individuals;

(3) prepare and make available necessary background materials for the use of delegates to the White House Conference on Handicapped Individuals;

(4) prepare and distribute such interim reports of the White House Conference on Handicapped Individuals as may be appropriate; and

(5) engage such individuals with handicaps and additional personnel as may be necessary without regard to the provisions of title 5, United States Code, governing appointments in the competitive civil service, and without regard to chapter 57 and subchapter III of chapter 53 of such title relating to classification and General Schedule pay rates; but at rates of pay not to exceed the rate prescribed for GS–18 under section 5332 of such title.

5 USC 101 *et seq.*

5 USC 5701, 5331.

5 USC 5332 note.

(b) In carrying out the provisions of this title, the Secretary shall employ individuals with handicaps.

DEFINITION

SEC. 304. For the purpose of this title, the term "State" includes the several States, the District of Columbia, the Commonwealth of Puerto Rico, Guam, American Samoa, the Virgin Islands, and the Trust Territory of the Pacific Islands. 29 USC 701 note.

STATE PARTICIPATION

SEC. 305. (a) From the sums appropriated pursuant to section 306 the Secretary is authorized to make a grant to each State, upon application of the chief executive thereof, in order to assist in meeting the costs of that State's participation in the Conference program, including the conduct of at least one conference within each such State. 29 USC 701 note.

(b) Grants made pursuant to subsection (a) shall be made only with the approval of the Council.

(c) Funds appropriated for the purposes of this subsection shall be apportioned among the States by the Secretary in accordance with their respective needs for assistance under this subsection, except that no State shall be apportioned more than $25,000 nor less than $10,000. State apportionment.

AUTHORIZATION OF APPROPRIATIONS

SEC. 306. There are authorized to be appropriated, without fiscal year limitations, $2,000,000 to carry out the provisions of this title and such additional sums as may be necessary to carry out section 305. Sums so appropriated shall remain available for expenditure until June 30, 1977. 29 USC 701 note.

CARL ALBERT
Speaker of the House of Representatives.

LEE METCALF
Acting President of the Senate pro Tempore.

IN THE HOUSE OF REPRESENTATIVES, U.S.,
November 20, 1974.

The House of Representatives having proceeded to reconsider the bill (H.R. 14225) entitled "An Act to extend the authorizations of appropriations in the Rehabilitation Act of 1973 for one year, to transfer the Rehabilitation Services Administration to the Office of the Secretary of Health, Education, and Welfare, to make certain technical and clarifying amendments, and for other purposes; to amend the Randolph-Sheppard Act for the blind; to strengthen the program authorized thereunder; and to provide for the convening of a White House Conference on Handicapped Individuals", returned by the President of the United States with his objections, to the House of Representatives, in which it originated, it was

Resolved, That the said bill pass, two-thirds of the House of Representatives agreeing to pass the same.

Attest:

W. PAT JENNINGS
Clerk.

By W. Raymond Colley

I certify that this Act originated in the House of Representatives.

W. PAT JENNINGS
Clerk.

By W. Raymond Colley

IN THE SENATE OF THE UNITED STATES,
November 21, 1974.

The Senate having proceeded to reconsider the bill (H.R. 14225) entitled "An Act to extend the authorizations of appropriations in the Rehabilitation Act of 1973 for one year, to transfer the Rehabilitation Services Administration to the Office of the Secretary of Health, Education, and Welfare, to make certain technical and clarifying amendments, and for other purposes; to amend the Randolph-Sheppard Act for the blind; to strengthen the program authorized thereunder; and to provide for the convening of a White House Conference on Handicapped Individuals", returned by the President of the United States with his objections to the House of Representatives, in which it originated, it was

Resolved, That the said bill pass, two-thirds of the Senators present having voted in the affirmative.

Attest:

FRANCIS R. VALEO
Secretary.

[Note by the Office of the Federal Register.—This Act became law on November 21, 1974, in accordance with the order of the United States District Court for the District of Columbia, *Kennedy* v. *Jones, et al.*, Civil Action No. 74-194, D.D.C. 1976. The Court decision came too late for this law to be published in regular sequence in 88 Stat. Therefore it is at the beginning of 89 Stat.]

LEGISLATIVE HISTORY:

HOUSE REPORTS: No. 93-1048 (Comm. on Education and Labor) and No. 93-1457 (Comm. of Conference).
SENATE REPORTS: No. 93-1139 accompanying S. 3108 (Comm. on Labor and Public Welfare) and No. 93-1270 (Comm. of Conference).
CONGRESSIONAL RECORD, Vol. 120 (1974):
May 21, considered and passed House.
Sept. 10, considered and passed Senate, amended, in lieu of S. 3108.
Oct. 10, Senate agreed to conference report.
Oct. 16, House agreed to conference report.
WEEKLY COMPILATION OF PRESIDENTIAL DOCUMENTS, Vol. 10, No. 44:
Oct. 29, 1974, vetoed; Presidential message.
CONGRESSIONAL RECORD, Vol. 120 (1974):
Nov. 20, House overrode veto.
Nov. 21, Senate overrode veto.
Kennedy v. *Jones, et al.*,
Civil Action No. 74-194 (412 F. Supp. 353).

PUBLIC LAWS

ENACTED DURING THE

FIRST SESSION OF THE NINETY-FOURTH CONGRESS

OF THE

UNITED STATES OF AMERICA

Begun and held at the City of Washington on Tuesday, January 14, 1975, and adjourned sine die on Friday, December 19, 1975. GERALD R. FORD, *President;* NELSON A. ROCKEFELLER, *Vice President;* CARL ALBERT, *Speaker of the House of Representatives.*

PUBLIC LAWS

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Began and held at the City of Washington on Tuesday, January 14, 1975, and adjourned sine die on Friday, December 19, 1975. Gerald R. Ford, President. Nelson A. Rockefeller, Vice President. Carl Albert, Speaker of the House of Representatives.

Public Law 94-1
94th Congress

Joint Resolution

Extending the time within which the President may transmit the Budget Message and the Economic Report to the Congress.

Jan. 24, 1975
[H.J. Res. 1]

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) notwithstanding the provisions of section 201 of the Act of June 10, 1922, as amended (31 U.S.C. 11), the President shall transmit to the Congress not later than February 3, 1975, the Budget for the Fiscal Year 1976, and (b) notwithstanding the provisions of section 3 of the Act of February 20, 1946, as amended (15 U.S.C. 1022), the President shall transmit to the Congress not later than February 4, 1975, the Economic Report; and (c) notwithstanding the provisions of clause (3) of section 5(b) of the Act of February 20, 1946 (15 U.S.C. 1024(b)), the Joint Economic Committee shall file its report on the President's Economic Report with the House of Representatives and the Senate not later than March 30, 1975.

Budget and Economic Report.
Time extension.

Approved January 24, 1975.

LEGISLATIVE HISTORY:

CONGRESSIONAL RECORD, Vol. 121 (1975):
Jan. 14, considered and passed House and Senate.

Public Law 94–2
94th Congress

An Act

Feb. 18, 1975
[S. 58]

Compensation and other emoluments attached to the Office of the Attorney General.

Attorney General, compensation. Restoration. 5 USC 5312 note.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the first section of the Act entitled "An Act to insure that the compensation and other emoluments attached to the Office of the Attorney General are those which were in effect on January 1, 1969" (Public Law 93–178; 87 Stat. 697), is repealed effective as of February 4, 1975, and the compensation and other emoluments attached to the Office of the Attorney General shall, on and after that date, be those that now or hereafter attach to offices and positions at level I of the Executive Schedule (5 U.S.C. 5312).

2 USC 358 note.

Approved February 18, 1975.

LEGISLATIVE HISTORY:

SENATE REPORT No. 94–6 (Comm. on Post Office and Civil Service).
CONGRESSIONAL RECORD, Vol. 121 (1975):
Feb. 5, considered and passed Senate.
Feb. 6, considered and passed House.

Public Law 94-3
94th Congress

An Act

To increase the temporary debt limitation and to extend such temporary limitation until June 30, 1975.

Feb. 19, 1975
[H.R. 2634]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That during the period beginning on the date of the enactment of this Act and ending on June 30, 1975, the public debt limit set forth in the first sentence of section 21 of the Second Liberty Bond Act (31 U.S.C. 757b) shall be temporarily increased by $131,000,000,000.

Public debt limit.
Temporary increase.
31 USC 757b note.

SEC. 2. Effective on the date of the enactment of this Act, the first section of the Act of June 30, 1974, providing for a temporary increase in the public debt limit for a period ending March 31, 1975 (Public Law 93-325), is hereby repealed.

Repeal; effective date.
31 USC 757b note.

Approved February 19, 1975.

LEGISLATIVE HISTORY:

SENATE REPORT No. 94-12 (Comm. on Finance).
CONGRESSIONAL RECORD, Vol. 121 (1975):
Feb. 5, considered and passed House.
Feb. 18, considered and passed Senate.

Public Law 94–4
94th Congress

An Act

Feb. 20, 1975
[H.R. 1589]

To suspend increases in the costs of coupons to food stamp recipients as a result of recent administrative actions.

Food stamp coupons.
Cost increase, suspension.
7 USC 2016 note.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, notwithstanding the provisions of section 7(b) of the Food Stamp Act of 1964 (7 U.S.C. 2016(b)), the charge imposed on any household for a coupon allotment under such Act after the date of enactment of this Act and prior to December 30, 1975, may not exceed the charge that would have been imposed on such household for such coupon allotment under rules and regulations promulgated under such Act and in effect on January 1, 1975.

[Note by the Office of the Federal Register.—The foregoing Act, having been presented to the President of the United States on Friday, February 7, 1975, for his approval and not having been returned by him to the House of Congress in which it originated within the time prescribed by the Constitution of the United States, has become a law without his approval on February 20, 1975.]

LEGISLATIVE HISTORY:

HOUSE REPORT No. 94–2 (Comm. on Agriculture).
CONGRESSIONAL RECORD, Vol. 121 (1975):
Feb. 4, considered and passed House.
Feb. 5, considered and passed Senate, in lieu of S. 35.
WEEKLY COMPILATION OF PRESIDENTIAL DOCUMENTS, Vol. 11, No. 7:
Feb. 13, Presidential statement.

Public Law 94-5
94th Congress

An Act

To amend the Regional Rail Reorganization Act of 1973 to increase the financial assistance available under section 213 and section 215, and for other purposes.

Feb. 28, 1975
[S. 281]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Regional Rail Reorganization Act Amendments of 1975".

Regional Rail Reorganization Act Amendments of 1975.
45 USC 701 note.

SEC. 2. (a) Section 202(b) of the Regional Rail Reorganization Act of 1973 (45 U.S.C. 712(b)) is amended—

(1) in paragraph (2) by inserting "and express" immediately after "rail" each time it appears;

(2) by striking out the period at the end of paragraph (7) and inserting in lieu thereof "; and"; and

(3) by adding at the end thereof the following new paragraph:

"(8) study the feasibility of coordinating rail and express service in the region.".

(b) Section 206(a)(1) of the Regional Rail Reorganization Act of 1973 (45 U.S.C. 716(a)(1)) is amended by inserting "and express" immediately after "rail".

Rail Services Planning Office, employment of attorneys and other personnel.

SEC. 3. Section 205(d)(2) of the Regional Rail Reorganization Act of 1973 (45 U.S.C. 715(d)(2)) is amended to read as follows:

"(2) employ and utilize the services of attorneys and such other personnel as may be required in order to properly protect the interests of those communities and users of rail service which, for whatever reason, such as their size or location, might not otherwise be adequately represented in the course of the reorganization process as provided by this Act;".

Preliminary system plan.

SEC. 4. (a) Section 207(b) of the Regional Rail Reorganization Act of 1973 (45 U.S.C. 717(b)) is amended by inserting "(1)" immediately before the first sentence thereof, and by adding at the end thereof the following new paragraph:

Petition for reconsideration.

"(2) Whenever it has been finally determined pursuant to the procedures of paragraph (1) of this subsection, that the reorganization of a railroad subject to reorganization under section 77 of the Bankruptcy Act (11 U.S.C. 205) shall not be proceeded with pursuant to this Act, the court having jurisdiction over such railroad may, upon a petition which is filed within 10 days after the date of enactment of this subsection by the trustees of such railroad, reconsider such order. Such reorganization court shall (i) affirm its previous order or (ii) issue an order that the reorganization of such railroad be proceeded with pursuant to this Act unless it finds that this Act does not provide a process which would be fair and equitable. The provisions of paragraph (1) of this subsection are applicable in such reconsideration, except that (A) such reorganization court shall make its decision within 30 days after such petition is filed, and (B) any decision by the special court on appeal from such a decision shall be rendered within 30 days after such reorganization court decision is made. There shall be no review of the decision of the special court. The Association shall take any steps it finds necessary, consistent with time limitations and other provisions of this Act, to effectuate the consequences of such a revised order, including the preparation and submission of any necessary or appropriate supplements to the preliminary system plan.".

(b) Section 207(a)(2) of the Regional Rail Reorganization Act of 1973 (45 U.S.C. 717(a)) is amended by adding at the end thereof the following new sentence: "The Office is authorized to hold public hearings on any supplement to the preliminary system plan and to make available to the Association a summary and analysis of the

Hearings.

evidence received in the course of such proceedings, together with its critique and evaluation of such supplement, not later than 30 days after the release of such supplement.".

Loans.

SEC. 5. (a) Section 211(a) of the Regional Rail Reorganization Act of 1973 (45 U.S.C. 721(a)) is amended by striking out "for purposes of assisting in the implementation of the final system plan;" and inserting in lieu thereof "for purposes of achieving the goals of this Act;".

(b) Section 211(e)(1) of the Regional Rail Reorganization Act of 1973 (45 U.S.C. 721(e)(1)) is amended by striking out "carry out the final system plan" and inserting in lieu thereof "achieve the goals of this Act".

(c) Section 211(f) of the Regional Rail Reorganization Act of 1973 (45 U.S.C. 721(f)) is amended by striking out "goals of the final system plan" and inserting in lieu thereof "goals of this Act".

Emergency assistance.

SEC. 6. (a) Section 213(a) of the Regional Rail Reorganization Act of 1973 (45 U.S.C. 723(a)) is amended by adding the following at the end thereof: "Where the Secretary and the trustees agree that funds provided pursuant to this section are to be used (together with funds provided pursuant to section 215 of this Act, if any) to perform program maintenance on designated rail properties until the date rail properties are conveyed under this Act or to improve such designated properties, such agreement shall contain the conditions set forth in section 215(b) of this Act.".

Infra.

Appropriation authorization.

(b) Section 213(b) of the Regional Rail Reorganization Act of 1973 (45 U.S.C. 723(b)) is amended—

(1) by striking out "$85,000,000" and inserting in lieu thereof "$282,000,000"; and

(2) by adding at the end thereof the following new sentence: "Of amounts authorized to be appropriated under this subsection, $50,000,000 shall be available solely to pay to the trustees of railroads in reorganization such sums as may be necessary to provide such railroads with amounts equal to revenues attributable to tariff increases proposed by such railroads and suspended by the Interstate Commerce Commission during the calendar year 1975, if the Secretary determines that such payments are necessary to carry out this section.".

SEC. 7. Section 215 of the Regional Rail Reorganization Act of 1973 (45 U.S.C. 725) is amended to read as follows:

"INTERIM AGREEMENTS

"SEC. 215. (a) PURPOSES.—Prior to the date upon which rail properties are conveyed to the Corporation under this Act, the Secretary, with the approval of the Association, is authorized to enter into agreements with the trustees of the railroads in reorganization in the region (or railroads leased, operated, or controlled by railroads in reorganization)—

"(1) to perform the program maintenance on designated rail properties of such railroads until the date rail properties are conveyed under this Act;

"(2) to improve rail properties of such railroads; and

"(3) to acquire rail properties for lease or loan to any such railroads until the date such rail properties are conveyed under this Act, and subsequently for conveyance pursuant to the final system plan, or to acquire interests in such rail properties owned by or leased to any such railroads or in purchase money obligations therefor.

"(b) CONDITIONS.—Agreements pursuant to subsection (a) of this section shall contain such reasonable terms and conditions as the Secretary may prescribe. In addition, agreements under paragraphs (1) and (2) of subsection (a) of this section shall provide that—

"(1) to the extent that physical condition is used as a basis for determining, under section 206(f) or 303(c) of this Act, the value of properties subject to such an agreement and designated for transfer to the Corporation under the final system plan, the physical condition of the properties on the effective date of the agreement shall be used; and 45 USC 716. *Infra.*

"(2) in the event that property subject to the agreement is sold, leased, or transferred to an entity other than the Corporation, the trustees or railroad shall pay or assign to the Secretary that portion of the proceeds of such sale, lease, or transfer which reflects value attributable to the maintenance and improvement provided pursuant to the agreement.

"(c) OBLIGATIONS.—Notwithstanding section 210(b) of this title, the Association shall issue obligations under section 210(a) of this title in an amount sufficient to finance such agreements and shall require the Corporation to assume any such obligations. The aggregate amount of obligations issued under this section and outstanding at any one time shall not exceed $300,000,000. The Association, with the approval of the Secretary, shall designate in the final system plan that portion of such obligations issued or to be issued which shall be refinanced and the terms thereof, and that portion from which the Corporation shall be released of its obligations. 45 USC 720. Limitation.

"(d) CONVEYANCE.—The Secretary may convey to the Corporation, with or without receipt of consideration, any property or interests acquired by, transferred to, or otherwise held by the Secretary pursuant to this section or section 213 of this Act.". *Ante*, p. 8.

SEC. 8. Section 303(c)(1) of the Regional Rail Reorganization Act of 1973 (45 U.S.C. 745(c)(1)) is amended by striking out the last word of paragraph (A), by striking out the period at the end of paragraph (B) and inserting "; and" in lieu thereof, and by inserting after paragraph (B) the following new paragraph: Proceeds for maintenance or improvement. 45 USC 743.

"(C) what portion of the proceeds received by a railroad in reorganization from an entity other than the Corporation for the sale, lease, or transfer of property subject to an agreement under section 213 or section 215 (a) (1) or (2) of this Act reflects value attributable to the maintenance or improvement provided pursuant to the agreement.". *Ante*, p. 8.

SEC. 9. Title VI of the Regional Rail Reorganization Act of 1973 is amended by adding at the end thereof the following new section:

"TAX PAYMENTS TO STATES

45 USC 794.

"SEC. 605. (a) Notwithstanding any other provision of law, no railroad in reorganization shall withhold from any State, or any political subdivision thereof, the payment of the portion of any tax owed by such railroad to such State or subdivision, which portion has been collected by such railroad from any tenant thereof.

Penalty.

"(b) Any railroad which violates the provisions of subsection (a) of this section by withholding any portion of a tax referred to in such subsection shall be fined not more than $10,000 for each such violation.".

Approved February 28, 1975.

LEGISLATIVE HISTORY:

HOUSE REPORT No. 94–7 accompanying H.R. 2051 (Comm. on Interstate and Foreign Commerce).
SENATE REPORT No. 94–5 (Comm. on Commerce).
CONGRESSIONAL RECORD, Vol. 121 (1975):
Jan. 28, 29, considered and passed Senate.
Feb. 19, considered and passed House, amended, in lieu of H.R. 2051.
Feb. 21, 22, 24–26, Senate concurred in House amendment.

Public Law 94-6
94th Congress
Joint Resolution

Making further urgent supplemental appropriations for the fiscal year ending June 30, 1975, and for other purposes.

Feb. 28, 1975
[H.J. Res. 210]

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the following sums are appropriated, out of any money in the Treasury not otherwise appropriated, for the fiscal year ending June 30, 1975, namely:

Supplemental appropriations, 1975.

CHAPTER I

HOUSE OF REPRESENTATIVES

SALARIES, OFFICERS AND EMPLOYEES

For an additional amount for "Salaries, Officers and employees, Office of the Sergeant at Arms", $296,000.

CONTINGENT EXPENSES OF THE HOUSE

FURNITURE

For an additional amount for "Contingent expenses of the House, Furniture", $1,500,000, to remain available until expended.

JOINT ITEMS

CAPITOL POLICE

GENERAL EXPENSES

For an additional amount for "Capitol Police, General expenses", $79,000.

ARCHITECT OF THE CAPITOL

CONTINGENT EXPENSES

For an additional amount for "Contingent Expenses", $300,000.

CAPITOL BUILDINGS AND GROUNDS

CAPITOL GROUNDS

For an additional amount for "Capitol Grounds" to enable the Architect of the Capitol to convert squares 680, 681 West, and 722, now a part of the United States Capitol Grounds, for use as temporary parking facilities for the United States Senate, $134,000, to remain available until June 30, 1976.

ACQUISITION OF PROPERTY AS A SITE FOR PARKING FACILITIES FOR THE UNITED STATES SENATE

For an additional amount for "Acquisition of property for a site for parking facilities for the United States Senate", $866,000, to remain available until expended.

HOUSE OFFICE BUILDINGS

40 USC 175 note.

For an additional amount for "House Office Buildings", $15,000,000, to remain available until expended: *Provided*, That, notwithstanding any other provision of law, the House Office Building Commission is authorized (1) to use, to such extent as it may deem necessary, for the purposes of providing office and other accommodations for the House of Representatives, the building located on Square 581 in the District of Columbia when such Square, including the improvements thereon, is acquired by the Architect of the Capitol at the direction of the House Office Building Commission under authority of the Additional

40 USC 175 note.

House Office Building Act of 1955, and to incur any expenditures under this appropriation required for alterations, maintenance, and occupancy thereof, and (2) prior to occupancy of the entire building by the House of Representatives, to permit the temporary occupancy by other governmental activities of any part of such building not so occupied, under such terms and conditions as such Commission may authorize: *Provided further*, That any space in such building used for office and other accommodations for the House of Representatives shall be deemed to be a part of the "House Office Buildings" and, as such, shall be subject to the laws, rules, and regulations applicable to those buildings.

CHAPTER II

DEPARTMENT OF TRANSPORTATION

FEDERAL RAILROAD ADMINISTRATION

INTERIM OPERATING ASSISTANCE

For an additional amount for "Interim operating assistance", $125,000,000, to remain available until expended: *Provided*, That this appropriation shall be available only upon the enactment of authorizing legislation.

GENERAL PROVISION

Repeal.
88 Stat. 1784.

SEC. 101. Section 205 of the Supplemental Appropriations Act, 1975 (Public Law 93-554) is hereby repealed: *Provided*, That none of the limitations on travel included in the regular appropriations for fiscal year 1975 shall be exceeded.

Approved February 28, 1975.

LEGISLATIVE HISTORY:

HOUSE REPORT No. 94-14 (Comm. on Appropriations).
SENATE REPORT No. 94-21 (Comm. on Appropriations).
CONGRESSIONAL RECORD, Vol. 121 (1975):
Feb. 20, considered and passed House.
Feb. 26, considered and passed Senate, amended.
Feb. 27, House concurred in Senate amendments.

Public Law 94–7
94th Congress

Joint Resolution

Making further continuing appropriations for the fiscal year 1975, and for other purposes.

Mar. 14, 1975
[H.J. Res. 219]

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That clause (c) of section 102 of the joint resolution of June 30, 1974 (Public Law 93–324, as amended by Public Law 93–448 and Public Law 93–570), is hereby further amended by striking out "February 28, 1975" and inserting in lieu thereof "June 30, 1975" and that clause (d) of section 101 of said joint resolution is amended by striking out "titles VI and IX" and inserting "title IX": *Provided however*, That, notwithstanding any other provision of this joint resolution or any other Act, the appropriations and funds made available and authority granted pursuant to the fourth unnumbered clause of section 101(b) and sections 112 and 114 of such joint resolution as amended relating to foreign assistance and related programs appropriations shall remain available until March 25, 1975.

Continuing appropriations, 1975.
88 Stat. 281, 1363, 1867.
88 Stat. 283.
88 Stat. 282, 1363, 1867.

Approved March 14, 1975.

LEGISLATIVE HISTORY:

HOUSE REPORTS: No. 94–16 (Comm. on Appropriations) and No. 94–44 (Comm. of Conference).
SENATE REPORT No. 94–25 (Comm. on Appropriations).
CONGRESSIONAL RECORD, Vol. 121 (1975):
Feb. 25, considered and passed House.
Feb. 28, considered and passed Senate, amended.
Mar. 10, House and Senate agreed to conference report.

Public Law 94–8
94th Congress

Joint Resolution

Mar. 20, 1975
[H.J. Res. 258]

To designate March 21, 1975, as "Earth Day".

Whereas environmental issues rank very high on the scale of general public concern, and are of importance to a broad spectrum of Americans of all ages, interests, and political persuasions;

Whereas there is a need and desire for continuing environmental education, and for a continuing nationwide review and assessment of environmental progress and of further steps to be taken;

Whereas Earth Day would promote a greater understanding of the serious environmental problems facing our Nation, and encourage a persistent search for solutions;

Whereas Earth Day would serve as the focus of special environmental education projects of hundreds of thousands of grade school, high school, and college students; and

Whereas Earth Day would provide a base for a continuing commitment by all interests, including education, agriculture, business, labor, government, civic and private organizations, and individuals, in a cooperative effort to improve and protect the quality of our environment: Now, therefore, be it

Earth Day.
Designation.

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That March 21, 1975, is hereby designated as "Earth Day", a time to draw attention to the need to continue the nationwide effort of education concerning environmental problems, to review and assess environmental progress and to determine the further steps that need to be taken, and to renew the commitment and dedication of each American to improve and protect the quality of the environment. The President is authorized and requested to issue a proclamation calling for the observance of such day with appropriate ceremonies and activities.

Approved March 20, 1975.

LEGISLATIVE HISTORY:

CONGRESSIONAL RECORD, Vol. 121 (1975):
Mar. 18, considered and passed House and Senate.

Public Law 94-9
94th Congress

Joint Resolution

To amend the Defense Production Act of 1950, as amended, and for other purposes.

Mar. 21, 1975
[S.J. Res. 48]

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That subsections (h), (i), and (l) of section 720 of the Defense Production Act of 1950, as amended, are amended to read as follows:

Defense Production Act of 1950, amendment. 50 USC app. 2169.

"(h) In the first sentence strike out 'March 1, 1975' and insert 'June 30, 1975'. In the second sentence strike out 'June 30, 1975' and insert 'December 31, 1975'.

"(i)(2) In the second sentence strike out 'for the fiscal year ending June 30, 1975' and insert 'to remain available until December 31, 1975'.

"(l) Strike out 'for the fiscal year ending June 30, 1975' and insert 'to remain available until December 31, 1975'."

Approved March 21, 1975.

LEGISLATIVE HISTORY:

CONGRESSIONAL RECORD, Vol. 121 (1975):
Mar. 6, considered and passed Senate.
Mar. 10, considered and passed House.

Public Law 94–10
94th Congress

An Act

Mar. 23, 1975
[S. 332]

To authorize appropriations for the fiscal year 1975 for certain maritime programs of the Department of Commerce.

Commerce Department maritime programs. Appropriation authorization.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That funds are hereby authorized to be appropriated without fiscal year limitation as the Appropriation Act may provide for the use of the Department of Commerce, for the fiscal year 1975, as follows:

(a) acquisition, construction, or reconstruction of vessels and construction-differential subsidy and cost of national defense features incident to the construction, reconstruction, or reconditioning of ships, $275,000,000;

(b) payment of obligations incurred for ship operating-differtial subsidy, $242,800,000;

(c) expenses necessary for research and development activities, $27,900,000;

(d) reserve fleet expenses, $3,742,000;

(e) maritime training at the Merchant Marine Academy at Kings Point, New York, $10,518,000; and

(f) financial assistance to State marine schools, $2,973,000.

Additional appropriation.

SEC. 2. In addition to the amounts authorized by section 1 of this Act, there are authorized to be appropriated for fiscal year 1975 such additional supplemental amounts for the activities for which appropriations are authorized under section 1 of this Act as may be necessary for increases in salary, pay, retirement, or other employee benefits authorized by law.

Regional offices.

SEC. 3. Section 809 of the Merchant Marine Act, 1936, as amended (46 U.S.C. 1213), is amended (a) by inserting "(a)" immediately before "Contracts" in the first sentence thereof; and (b) by adding at the end thereof the following new subsection:

"(b) There shall be established and maintained within the Maritime Administration such regional offices as may be necessary, including, but not limited to, one such office for each of the four port ranges specified in subsection (a) of this section. The Secretary of Commerce shall appoint a qualified individual to be the Director of each such regional office and shall carry out appropriate functions, activities, and programs of the Maritime Administration through such regional offices.".

Approved March 23, 1975.

LEGISLATIVE HISTORY:

HOUSE REPORT: No. 94–6 accompanying H.R. 3 (Comm. on Merchant Marine and Fisheries).
SENATE REPORT No. 94–7 (Comm. on Commerce).
CONGRESSIONAL RECORD, Vol. 121 (1975):
Feb. 12, considered and passed Senate.
Feb. 18, considered and passed House, amended, in lieu of H.R. 3.
Mar. 11, Senate concurred in House amendment.

Public Law 94-11
94th Congress

An Act

Making appropriations for Foreign Assistance and related programs for the fiscal year ending June 30, 1975, and for other purposes.

Mar. 26, 1975
[H.R. 4592]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the following sums are appropriated, out of any money in the Treasury not otherwise appropriated, for Foreign Assistance and related programs for the fiscal year ending June 30, 1975, and for the other purposes, namely:

Foreign Assistance and Related Programs Appropriations Act, 1975.

TITLE I—FOREIGN ASSISTANCE ACT ACTIVITIES

Funds Appropriated to the President

For expenses necessary to enable the President to carry out the provisions of the Foreign Assistance Act of 1961, as amended, and for other purposes, to remain available until June 30, 1975, unless otherwise specified herein, as follows:

22 USC 2151 note.

ECONOMIC ASSISTANCE

Food and nutrition, Development Assistance: For necessary expenses to carry out the provisions of section 103, $300,000,000: *Provided*, That in addition to the amounts provided for loans to carry out the purposes of this paragraph, such amounts as are provided for under section 203 shall also be available for loans, together all such amounts to remain available until expended.

22 USC 2151a.

22 USC 2163

Population planning and health, Development Assistance: For necessary expenses to carry out the provisions of section 104, $125,000,000: *Provided*, That in addition to the amounts provided for loans to carry out the purposes of this paragraph, such amounts as are provided for under section 203 shall also be available for loans, together all such amounts to remain available until expended: *Provided further*, That not more than $110,000,000 appropriated or made available under this Act shall be used for the purposes of section 291 during the current fiscal year.

22 USC 2151b.

22 USC 2219.

Education and human resources development, Development Assistance: For necessary expenses to carry out the provisions of section 105, $82,000,000: *Provided*, That in addition to the amounts provided for loans to carry out the purposes of this paragraph, such amounts as are provided for under section 203 shall also be available for loans, together all such amounts to remain available until expended.

22 USC 2151c.

Selected development problems, Development Assistance: For necessary expenses to carry out the provisions of section 106, $37,000,000, of which not more than $500,000 shall be available for the National Association of the Partners of the Alliance, Inc.: *Provided*, That in addition to the amount provided for loans to carry out the purposes of this paragraph, such amounts as are provided for under section 203 shall also be available for loans, together all such amounts to remain available until expended.

22 USC 2151d.

Selected countries and organizations, Development Assistance: For necessary expenses to carry out the provisions of section 107, $30,000,000: *Provided*, That in addition to the amounts provided for loans to carry out the purposes of this paragraph, such amounts as are provided for under section 203 shall also be available for loans, together all such amounts to remain available until expended.

22 USC 2151e.

Loan allocation, Development Assistance: Of the new obligational authority appropriated under this Act to carry out the provisions of sections 103–107, not less than $175,000,000 shall be available for loans.

22 USC 2151a–2151e.

International organizations and programs: For necessary expenses to carry out the provisions of section 301, $125,000,000, of which not more than $17,000,000 shall be available for the United Nations Children's Fund: *Provided*, That none of the funds appropriated or made available pursuant to this Act shall be used to supplement the funds provided to the United Nations Development Program in fiscal year 1974.

22 USC 2221.

United Nations Environment Fund: For necessary expenses to carry out the provisions of section 2 of the United Nations Environment Program Participation Act of 1973, $5,000,000.

22 USC 287 note.

American schools and hospitals abroad: For necessary expenses to carry out the provisions of section 214, $17,500,000.

22 USC 2174.

American schools and hospitals abroad (special foreign currency program): For necessary expenses to carry out the provisions of section 214, $6,500,000 in foreign currencies which the Treasury Department determines to be excess to the normal requirements of the United States, to remain available until expended.

Indus Basin Development Fund, grants: For necessary expenses to carry out the provisions of section 302(b)(2) with respect to Indus Basin Development Fund, grants, $9,000,000: *Provided*, That no other funds appropriated or made available under this Act shall be used for the purposes of such section during the current fiscal year.

22 USC 2222.

Indus Basin Development Fund, loans: For expenses authorized by section 302(b)(1), $200,000, to remain available until expended: *Provided*, That no other funds appropriated or made available under this Act shall be used for the purposes of such section during the current fiscal year.

Contingency fund: For necessary expenses, $1,800,000, to be used for the purposes set forth in section 451.

22 USC 2261.

International narcotics control: For necessary expenses to carry out the provisions of section 481, $17,500,000.

22 USC 2291.

Famine or disaster relief assistance: For necessary expenses to carry out the provisions of section 639, $35,000,000: *Provided*, That of the funds appropriated under this paragraph, $25,000,000 shall be allocated to Cyprus.

Cyprus.
22 USC 2399.

Assistance to Portugal and Portuguese colonies in Africa gaining independence: For necessary expenses to carry out the provisions of section 496, $25,000,000: *Provided*, That of the funds appropriated under this paragraph, not less than $5,000,000 shall be allocated for the Cape Verde Islands and not less than $5,000,000 shall be allocated for Mozambique, Guinea-Bissau, and Angola.

22 USC 2293.

Transfer of funds: Payment to the Foreign Service Retirement and Disability Fund: For payment to the "Foreign Service retirement and disability fund," as authorized by the Foreign Service Act of 1946, as amended (22 U.S.C. 1105–1106), $16,080,000, of which $15,600,000 is to be derived from the appropriation provided to the Department of State under this heading in the Department of State Appropriation Act, 1975, and $480,000 is to be derived by transfer from funds made available for development assistance for fiscal year 1975.

88 Stat. 1187.

Administrative expenses: For necessary expenses, $40,000,000, to be used for the purposes set forth in section 637(a).

22 USC 2397.

Administrative and other expenses: For expenses authorized by section 637(b) of the Foreign Assistance Act of 1961, as amended,

and by section 305 of the Mutual Defense Assistance Control Act of 1951, as amended, $4,800,000. 22 USC 1613d.

Except for the Contingency Fund, unobligated balances as of June 30, 1974, of funds heretofore made available under the authority of the Foreign Assistance Act of 1961, as amended, except as otherwise provided by law, are hereby continued available for the fiscal year 1975, for the same general purposes for which appropriated and amounts certified pursuant to section 1311 of the Supplemental Appropriation Act, 1955, as having been obligated against appropriations heretofore made under the authority of the Foreign Assistance Act of 1961, as amended, for the same general purpose as any of the subparagraphs under "Economic Assistance," "Middle East Special Requirements Fund," "Security Supporting Assistance," and "Indochina Postwar Reconstruction Assistance," are hereby continued available for the same period as the respective appropriations in such subparagraphs for the same general purpose: *Provided*, That such unobligated balances as of June 30, 1974, and such amounts certified pursuant to section 1311 of the Supplemental Appropriation Act, 1955, as having been obligated against appropriations heretofore made under the authority of section 531 of the Foreign Assistance Act of 1961, as amended, are hereby continued available for the fiscal year 1975 for expenses to carry out the provisions of section 531 or section 801 of the Foreign Assistance Act of 1961, as amended: *Provided further*, That such purpose relates to a project or program previously justified to Congress and the Committees on Appropriations of the House of Representatives and the Senate are notified prior to the reobligation of funds for such projects or programs.

22 USC 2151 note.

31 USC 200.

22 USC 2346.

22 USC 2431.

INDOCHINA POSTWAR RECONSTRUCTION ASSISTANCE

Indochina postwar reconstruction assistance: For necessary expenses to carry out the provisions o. section 801 of the Foreign Assistance Act of 1961, as amended, and section 36(a) of the Foreign Assistance Act of 1974, $440,000,000. 22 USC 2432 note.

MIDDLE EAST SPECIAL REQUIREMENTS FUND

Middle East special requirements fund: For necessary expenses to carry out the provisions of section 901 and section 903 of the Foreign Assistance Act of 1961, as amended, $100,000,000. 22 USC 2441, 2443.

SECURITY SUPPORTING ASSISTANCE

Security supporting assistance: For necessary expenses to carry out the provisions of section 531 of the Foreign Assistance Act of 1961, as amended, $660,000,000: *Provided*, That of the funds appropriated under this paragraph, not less than $324,500,000 shall be allocated to Israel and not less than $250,000,000 shall be allocated to Egypt and not less than $77,500,000 shall be allocated to Jordan. Israel, Egypt, and Jordan, allocation of funds.

MILITARY ASSISTANCE

Military assistance: For necessary expenses to carry out the provisions of section 503 of the Foreign Assistance Act of 1961, as amended, including administrative expenses and purchase of passenger motor vehicles for replacement only for use outside of the United States, $475,000,000: *Provided*, That none of the funds contained in this paragraph shall be available for the purchase of new 22 USC 2311.

22 USC 2391 note.

automotive vehicles outside of the United States: *Provided further*, That the total number of flag and general officers of the United States Armed Forces assigned or detailed to military assistance advisory groups, military missions, or similar organizations, or performing duties primarily with respect to the Military Assistance Program and the Foreign Military Sales Program shall not exceed twenty after May 1, 1975.

OVERSEAS PRIVATE INVESTMENT CORPORATION

The Overseas Private Investment Corporation is authorized to make such expenditures within the limits of funds available to it and in accordance with law (including not to exceed $10,000 for entertainment allowances), and to make such contracts and commitments without regard to fiscal year limitations as provided by section 104 of the Government Corporation Control Act, as amended (31 U.S.C. 849), as may be necessary in carrying out the program set forth in the budget for the current fiscal year.

INTER-AMERICAN FOUNDATION

The Inter-American Foundation is authorized to make such expenditures within the limits of funds available to it and in accordance with the law, and to make such contracts and commitments without regard to fiscal year limitations as provided by section 104 of the Government Corporation Control Act, as amended (31 U.S.C. 849), as may be necessary in carrying out its authorized programs during the current fiscal year: *Provided*, That not to exceed $10,000,000 shall be available to carry out the authorized programs during the current fiscal year.

GENERAL PROVISIONS

Flood control and related projects.

SEC. 101. None of the funds herein appropriated (other than funds appropriated for "International organizations and programs" and "Indus Basin Development Fund") shall be used to finance the construction of any new flood control, reclamation, or other water or related land resource project or program which has not met the standards and criteria used in determining the feasibility of flood control, reclamation, and other water and related land resource programs and projects proposed for construction within the United States of America as per memorandum of the President dated May 15, 1962.

SEC. 102. Except for the appropriations entitled "Contingency fund", "Famine or disaster relief assistance", and appropriations of funds to be used for loans, not more than 20 per centum of any appropriation item made available by this title shall be obligated and/or reserved during the last month of availability.

SEC. 103. None of the funds herein appropriated nor any of the counterpart funds generated as a result of assistance hereunder or any prior Act shall be used to pay pensions, annuities, retirement pay, or adjusted service compensation for any persons heretofore or hereafter serving in the armed forces of any recipient country.

Procurement contracts, restriction. 22 USC 2151 note.

SEC. 104. None of the funds appropriated or made available pursuant to this Act for carrying out the Foreign Assistance Act of 1961, as amended, may be used for making payments on any contract for procurement to which the United States is a party entered into after the date of enactment of this Act which does not contain a provision authorizing the termination of such contract for the convenience of the United States.

Capital projects financed by U.S.
22 USC 2151 note.

SEC. 105. None of the funds appropriated or made available under this Act for carrying out the Foreign Assistance Act of 1961, as amended, may be used to make payments with respect to any capital project financed by loans or grants from the United States where the United States has not directly approved the terms of the contracts and the firms to provide engineering, procurement, and construction services on such projects.

SEC. 106. Of the funds appropriated or made available pursuant to this Act, not more than $12,000,000 may be used during the fiscal year ending June 30, 1975, in carrying out research under section 241 of the Foreign Assistance Act of 1961, as amended.

22 USC 2201.

United Nations members, assessments, dues.

SEC. 107. None of the funds appropriated or made available pursuant to this Act for carrying out the Foreign Assistance Act of 1961, as amended, may be used to pay in whole or in part any assessments, arrearages, or dues of any member of the United Nations.

Construction in underdeveloped countries.

SEC. 108. None of the funds made available by this Act for carrying out the Foreign Assistance Act of 1961, as amended, may be obligated for financing, in whole or in part, the direct costs of any contract for the construction of facilities and installations in any underdeveloped country, unless the President shall have promulgated regulations designed to assure, to the maximum extent consistent with the national interest and the avoidance of excessive costs to the United States, that none of the funds made available by this Act and thereafter obligated shall be used to finance the direct costs under such contracts for construction work performed by persons other than qualified nationals of the recipient country or qualified citizens of the United States: *Provided, however*, That the President may waive the application of this section if it is important to the national interest.

Waiver.

Iron and steel products for Vietnam.

SEC. 109. None of the funds appropriated or made available pursuant to this Act for carrying out the Foreign Assistance Act of 1961, as amended, may be used to finance the procurement of iron and steel products for use in Vietnam containing any component acquired by the producer of the commodity, in the form in which imported into the country of production, from sources other than the United States.

SEC. 110. None of the funds contained in title I of this Act may be used to carry out the provisions of sections 209(d) and 251(h) of the Foreign Assistance Act of 1961, as amended.

22 USC 2169, 2211.

North Vietnam, assistance.

SEC. 111. None of the funds appropriated or made available pursuant to this Act shall be used to provide assistance to the Democratic Republic of Vietnam (North Vietnam).

South Vietnam, police or prison construction.

SEC. 112. None of the funds appropriated or made available pursuant to this Act, and no local currencies generated as a result of assistance furnished under this Act, may be used for the support of police, or prison construction and administration within South Vietnam, for training, including computer training, of South Vietnamese with respect to police, criminal, or prison matters, or for computers or computer parts for use for South Vietnam with respect to police, criminal, or prison matters.

SEC. 113. None of the funds made available under this Act for "Food and Nutrition, Development Assistance," "Population Planning and Health, Development Assistance," "Education and Human Resources Development, Development Assistance," "Selected Development Problems, Development Assistance," "Selected Countries and Organizations, Development Assistance," "International Organizations and Programs," "United Nations Environment Fund," "American Schools and Hospitals Abroad," "Indus Basin Development Fund," "International Narcotics Control," "Assistance to Portugal and Portuguese

colonies in Africa gaining independence," "Administrative expenses, Agency for International Development," "Indochina postwar reconstruction assistance," "Security supporting assistance," "Middle East special requirements fund," "Military assistance," "Inter-American Foundation," "Peace Corps," "Migration and refugee assistance," "Assistance to Refugees From the Soviet Union," or "Assistance to Palestinian Refugees" shall be available for obligation for activities, programs, projects, countries, or other operations unless the Committees on Appropriations of the Senate and House of Representatives are previously notified fifteen days in advance.

TITLE II—FOREIGN MILITARY CREDIT SALES

Foreign Military Credit Sales

For expenses not otherwise provided for, necessary to enable the President to carry out the provisions of the Foreign Military Sales Act, $300,000,000: *Provided*, That of the amount provided for the total aggregate credit sale ceiling during the current fiscal year, not less than $300,000,000 shall be allocated to Israel.

22 USC 2751 note.

TITLE III—FOREIGN ASSISTANCE (OTHER)

Independent Agency

Action—International Programs

PEACE CORPS

For expenses necessary for Action to carry out the provisions of the Peace Corps Act (75 Stat. 612), as amended, $77,000,000: *Provided*, That of this amount $44,500,000 shall be available only for the direct support of volunteers.

22 USC 2501 note.

Department of Health, Education, and Welfare

ASSISTANCE TO REFUGEES IN THE UNITED STATES

For expenses necessary to carry out the provisions of the Migration and Refugee Assistance Act of 1962 (Public Law 87-510), relating to aid to refugees within the United States, including hire of passenger motor vehicles, and services as authorized by 5 U.S.C. 3109, $90,000,000.

22 USC 2601 note.

Department of State

MIGRATION AND REFUGEE ASSISTANCE

For expenses, not otherwise provided for, necessary to enable the Secretary of State to provide, as authorized by law, a contribution to the International Committee of the Red Cross and assistance to refugees, including contributions to the Intergovernmental Committee for European Migration and the United Nations High Commissioner for Refugees; salaries and expenses of personnel and dependents as authorized by the Foreign Service Act of 1946, as amended (22 U.S.C. 801-1158); allowances as authorized by 5 U.S.C. 5921-5925; hire of passenger motor vehicles; and services as authorized by 5 U.S.C. 3109; $8,420,000, of which not to exceed $8,080,000 shall remain available until December 31, 1975: *Provided*, That no funds herein appropriated

22 USC 801 note.

shall be used to assist directly in the migration to any nation in the Western Hemisphere of any person not having a security clearance based on reasonable standards to insure against Communist infiltration in the Western Hemisphere.

ASSISTANCE TO REFUGEES FROM THE SOVIET UNION

For necessary expenses to carry out the provisions of section 101(b) of the Foreign Relations Authorization Act of 1972, $40,000,000. 86 Stat. 489.

ASSISTANCE TO PALESTINIAN REFUGEES

For necessary expenses to provide assistance to Palestinian Refugees, $10,000,000.

FUNDS APPROPRIATED TO THE PRESIDENT

INTERNATIONAL FINANCIAL INSTITUTIONS

INVESTMENT IN ASIAN DEVELOPMENT BANK

For payment by the Secretary of the Treasury of the United States to be contributed to the Asian Development Bank $74,126,982, to remain available until expended, of which $50,000,000 will be contributed to the Special Funds Resources of the Bank as authorized by the Act of March 10, 1972, as amended (Public Law 92-245), and of which $24,126,982 will be paid for an increase in the United States subscription to the paid-in capital of the Ordinary Capital of the Bank, as authorized by the Act of December 22, 1974 (Public Law 93-537). 86 Stat. 57. 22 USC 285i-285p. 88 Stat. 1735. 22 USC 285q, 285r.

INVESTMENT IN INTER-AMERICAN DEVELOPMENT BANK

For payment to the Inter-American Development Bank by the Secretary of the Treasury for the United States share of the increase in the resources of the Fund for Special Operations authorized by the Acts of December 30, 1970 (Public Law 91-599), and March 10, 1972 (Public Law 92-246), $225,000,000, to remain available until expended: *provided*, that of this amount $25,000,000 shall be made available only to responsible cooperatives whose primary purpose is to increase the productive capacity of rural and urban citizens at the most economically disadvantaged level: *provided further*, that $10,000,000 of this amount shall be made available only to local credit unions or national or regional federations thereof, whose primary purpose is to increase the productive capacity of rural and urban citizens at the most economically disadvantaged level: *provided further*, that $15,000,000 of this amount shall be made available only to responsible savings and loan associations or other mortgage credit institutions, or national or regional federations thereof, whose primary purpose is to provide basic housing to rural and urban citizens at the most economically disadvantaged level. 84 Stat. 1657. 86 Stat. 59. 22 USC 283p-283s.

INVESTMENT IN INTERNATIONAL DEVELOPMENT ASSOCIATION

For payment by the Secretary of the Treasury of the third installment of the United States contribution to the third replenishment of the resources of the International Development Association as authorized by the Act of March 10, 1972 (Public Law 92-247), $320,000,000, to remain available until expended. 86 Stat. 60. 22 USC 284i-284k.

TITLE IV—EXPORT-IMPORT BANK OF THE UNITED STATES

The Export-Import Bank of the United States is hereby authorized to make such expenditures within the limits of funds and borrowing authority available to such corporation, and in accord with law, and to make such contracts and commitments without regard to fiscal year limitations as provided by section 104 of the Government Corporation Control Act, as amended, as may be necessary in carrying out the program set forth in the budget for the current fiscal year for such corporation, except as hereinafter provided.

31 USC 849.

Limitation on Program Activity

Not to exceed $6,403,086,000 (of which not to exceed $3,395,000,000 shall be for equipment and services loans) shall be authorized during the current fiscal year for other than administrative expenses.

Limitation on Administrative Expenses

Not to exceed $10,242,000 (to be computed on an accrual basis) shall be available during the current fiscal year for administrative expenses, including hire of passenger motor vehicles, services as authorized by 5 U.S.C. 3109, and not to exceed $24,000 for entertainment allowances for members of the Board of Directors: *Provided*, That (1) fees or dues to international organizations of credit institutions engaged in financing foreign trade, (2) necessary expenses (including special services performed on a contract or a fee basis, but not including other personal services) in connection with the acquisition, operation, maintenance, improvement, or disposition of any real or personal property belonging to the Bank or in which it has an interest, including expenses of collections of pledged collateral, or the investigation or appraisal of any property in respect to which an application for a loan has been made, and (3) expenses (other than internal expenses of the Bank) incurred in connection with the issuance and servicing of guarantees, insurance, and reinsurance, shall be considered as nonadministrative expenses for the purposes hereof.

TITLE V—GENERAL PROVISIONS

Publicity or propaganda.

Sec. 501. No part of any appropriation contained in this Act shall be used for publicity or propaganda purposes within the United States not heretofore authorized by the Congress.

Inspector General, Foreign Assistance.

Sec. 502. No part of any appropriation contained in this Act shall be used for expenses of the Inspector General, Foreign Assistance, after the expiration of the thirty-five day period which begins on the date the General Accounting Office or any committee of the Congress, or any duly authorized subcommittee thereof, charged with considering foreign assistance legislation, appropriations, or expenditures, has delivered to the Office of the Inspector General, Foreign Assistance, a written request that it be furnished any document, paper, communication, audit, review, finding, recommendation, report, or other material in the custody or control of the Inspector General, Foreign Assistance, relating to any review, inspection or audit arranged for, directed, or conducted by him, unless and until there has been furnished to the General Accounting Office or to such committee or subcommittee, as the case may be, (A) the document, paper, communication, audit, review, finding, recommendation, report, or

other material so requested or (B) a certification by the President, personally, that he has forbidden the furnishing thereof pursuant to such request and his reason for so doing.

Fiscal year limitation.

SEC. 503. No part of any appropriation contained in this Act shall remain available for obligation beyond the current fiscal year unless expressly so provided herein.

Petroleum fuels to Southeast Asia.

SEC. 504. None of the funds contained in this Act shall be used to furnish petroleum fuels produced in the continental United States to Southeast Asia for use by non-United States nationals.

Space and services.

SEC. 505. No part of any appropriation, funds, or other authority contained in this Act shall be available for paying to the Administrator of the General Services Administration in excess of 90 per centum of the standard level user charge established pursuant to section 210(j) of the Federal Property and Administrative Services Act of 1949, as amended, for space and services.

40 USC 490.

Short title.

This Act may be cited as the "Foreign Assistance and Related Programs Appropriations Act, 1975".

Approved March 26, 1975.

LEGISLATIVE HISTORY:

HOUSE REPORTS No. 94-53 (Comm. on Appropriations) and
No. 94-108 (Comm. of Conference).
SENATE REPORT No. 94-39 (Comm. on Appropriations).
CONGRESSIONAL RECORD, Vol. 121 (1975):
Mar. 13, considered and passed House.
Mar. 19, considered and passed Senate, amended.
Mar. 24, House and Senate agreed to conference report.
WEEKLY COMPILATION OF PRESIDENTIAL DOCUMENTS, Vol. 11, No. 13:
Mar. 27, Presidential statement.

Public Law 94-12
94th Congress

An Act

Mar. 29, 1975
[H.R. 2166]

To amend the Internal Revenue Code of 1954 to provide for a refund of 1974 individual income taxes, to increase the low income allowance and the percentage standard deduction, to provide a credit for personal exemptions and a credit for certain earned income, to increase the investment credit and the surtax exemption, to reduce percentage depletion for oil and gas, and for other purposes.

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

Tax Reduction Act of 1975.

26 USC 1 note.

SEC. 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the "Tax Reduction Act of 1975".

(b) TABLE OF CONTENTS.—

Sec. 1. Short title; table of contents.
Sec. 2. Amendment of 1954 Code.

TITLE I—REFUND OF 1974 INDIVIDUAL INCOME TAXES

Sec. 101. Refund of 1974 individual income taxes.
Sec. 102. Refunds disregarded in the administration of Federal programs and federally assisted programs.

TITLE II—REDUCTIONS IN INDIVIDUAL INCOME TAXES

Sec. 201. Increase in low income allowance.
Sec. 202. Increase in percentage standard deduction.
Sec. 203. Credit for personal exemptions.
Sec. 204. Credit for certain earned income.
Sec. 205. Withholding tax.
Sec. 206. Increase in income limitation applicable to child and dependent care deduction.
Sec. 207. Extension of period for replacing old residence for purposes of nonrecognition of gain under section 1034.
Sec. 208. Credit for purchase of new principal residence.
Sec. 209. Effective dates.

TITLE III—CERTAIN CHANGES IN BUSINESS TAXES

Sec. 301. Increase in investment credit.
Sec. 302. Allowance of investment credit where construction of property will take more than 2 years.
Sec. 303. Change in corporate tax rates and increase in surtax exemption.
Sec. 304. Increase in minimum accumulated earnings credit from $100,000 to $150,000.
Sec. 305. Effective dates.

TITLE IV—CHANGES AFFECTING INDIVIDUALS AND BUSINESSES

Sec. 401. Federal welfare recipient employment incentive tax credit.
Sec. 402. Time when contributions deemed made to certain pension plans.

TITLE V—PERCENTAGE DEPLETION

Sec. 501. Limitations on percentage depletion for oil and gas.

TITLE VI—TAXATION OF FOREIGN OIL AND GAS INCOME AND OTHER FOREIGN INCOME

Sec. 601. Limitations on foreign tax credit for taxes paid in connection with foreign oil and gas income.
Sec. 602. Taxation of earnings and profits of controlled foreign corporations and their shareholders.
Sec. 603. Denial of DISC benefits with respect to energy resources and other products.
Sec. 604. Treatment for purposes of the investment credit of certain property used in international or territorial waters.

TITLE VII—MISCELLANEOUS PROVISIONS

Sec. 701. Certain unemployment compensation.
Sec. 702. Special payment to recipients of benefits under certain retirement and survivor benefit programs.

SEC. 2. AMENDMENT OF 1954 CODE.

Except as otherwise expressly provided, 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 reference shall be considered to be made to a section or other provision of the Internal Revenue Code of 1954. 26 USC 1 *et seq.*

TITLE I—REFUND OF 1974 INDIVIDUAL INCOME TAXES

SEC. 101. REFUND OF 1974 INDIVIDUAL INCOME TAXES.

(a) IN GENERAL.—Subchapter B of chapter 65 (relating to rules of special application in the case of abatements, credits, and refunds) is amended by adding at the end thereof the following new section:

"SEC. 6428. REFUND OF 1974 INDIVIDUAL INCOME TAXES. 26 USC 6428.

"(a) GENERAL RULE.—Except as otherwise provided in this section, each individual shall be treated as having made a payment against the tax imposed by chapter 1 for his first taxable year beginning in 1974 26 USC 1. in an amount equal to 10 percent of the amount of his liability for tax for such taxable year.

"(b) MINIMUM PAYMENT.—The amount treated as paid by reason of this section shall not be less than the lesser of—

"(1) the amount of the taxpayer's liability for tax for his first taxable year beginning in 1974, or

"(2) $100 ($50 in the case of a married individual filing a separate return).

"(c) MAXIMUM PAYMENT.—

"(1) IN GENERAL.—The amount treated as paid by reason of this section shall not exceed $200 ($100 in the case of a married individual filing a separate return).

"(2) LIMITATION BASED ON ADJUSTED GROSS INCOME.—The excess (if any) of—

"(A) the amount which would (but for this paragraph) be treated as paid by reason of this section, over

"(B) the applicable minimum payment provided by subsection (b),

shall be reduced (but not below zero) by an amount which bears the same ratio to such excess as the adjusted gross income for the taxable year in excess of $20,000 bears to $10,000. In the case of a married individual filing a separate return, the preceding sentence shall be applied by substituting '$10,000' for '$20,000' and by substituting '$5,000' for '$10,000'.

"(d) LIABILITY FOR TAX.—For purposes of this section, the liability for tax for the taxable year shall be the sum of—

"(1) the tax imposed by chapter 1 for such year, reduced by the sum of the credits allowable under—

"(A) section 33 (relating to foreign tax credit), 26 USC 33.

"(B) section 37 (relating to retirement income), 26 USC 37.

"(C) section 38 (relating to investment in certain depreciable property), 26 USC 38.

"(D) section 40 (relating to expenses of work incentive programs), and 26 USC 40.

26 USC 41.

"(E) section 41 (relating to contributions to candidates for public office), plus

26 USC 3102, 3202.

"(2) the tax on amounts described in section 3102(c) or 3202(c) which are required to be shown on the taxpayer's return of the chapter 1 tax for the taxable year.

"(e) DATE PAYMENT DEEMED MADE.—The payment provided by this section shall be deemed made on whichever of the following dates is the later:

"(1) the date prescribed by law (determined without extensions) for filing the return of tax under chapter 1 for the taxable year, or

26 USC 1 *et seq.*

"(2) the date on which the taxpayer files his return of tax under chapter 1 for the taxable year.

"(f) JOINT RETURN.—For purposes of this section, in the case of a joint return under section 6013 both spouses shall be treated as one individual.

"(g) MARITAL STATUS.—The determination of marital status for purposes of this section shall be made under section 143.

"(h) CERTAIN PERSONS NOT ELIGIBLE.—This section shall not apply to any estate or trust, nor shall it apply to any nonresident alien individual."

26 USC 6611 note.

(b) NO INTEREST ON INDIVIDUAL INCOME TAX REFUNDS FOR 1974 REFUNDED WITHIN 60 DAYS AFTER RETURN IS FILED.—In applying

26 USC 6611.

section 6611(e) of the Internal Revenue Code of 1954 (relating to income tax refund within 45 days after return is filed) in the case of any overpayment of tax imposed by subtitle A of such Code by an individual (other than an estate or trust and other than a nonresident alien individual) for a taxable year beginning in 1974, "60 days" shall be substituted for "45 days" each place it appears in such section 6611(e).

(c) CLERICAL AMENDMENT.—The table of sections for such subchapter B is amended by adding at the end thereof the following new item:

"Sec. 6428. Refund of 1974 individual income taxes."

26 USC 6428 note.

SEC. 102. REFUNDS DISREGARDED IN THE ADMINISTRATION OF FEDERAL PROGRAMS AND FEDERALLY ASSISTED PROGRAMS.

Ante, p. 27.

Any payment considered to have been made by any individual by reason of section 6428 of the Internal Revenue Code of 1954 shall not be taken into account as income or receipts for purposes of determining the eligibility of such individual or any other individual for benefits or assistance, or the amount or extent of benefits or assistance, under any Federal program or under any State or local program financed in whole or in part with Federal funds.

TITLE II—REDUCTIONS IN INDIVIDUAL INCOME TAXES

SEC. 201. INCREASE IN LOW INCOME ALLOWANCE.

26 USC 141.

(a) IN GENERAL.—Subsection (c) of section 141 (relating to low income allowance) is amended to read as follows:

"(c) LOW INCOME ALLOWANCE.—The low income allowance is—

"(1) $1,900 in the case of—

26 USC 6013.

"(A) a joint return under section 6013, or

26 USC 2.

"(B) a surviving spouse (as defined in section 2(a)),

"(2) $1,600 in the case of an individual who is not married and who is not a surviving spouse (as so defined), or

"(3) $950 in the case of a married individual filing a separate return."

(b) CHANGE IN FILING REQUIREMENTS TO REFLECT INCREASE IN LOW INCOME ALLOWANCE.—So much of paragraph (1) of section 6012(a) (relating to persons required to make returns of income) as precedes subparagraph (C) thereof is amended to read as follows: 26 USC 6012.

"(1) (A) Every individual having for the taxable year a gross income of $750 or more, except that a return shall not be required of an individual (other than an individual referred to in section 142(b))— 26 USC 142.

"(i) who is not married (determined by applying section 143), is not a surviving spouse (as defined in section 2(a)), and for the taxable year has a gross income of less than $2,350, 26 USC 143, 2.

"(ii) who is a surviving spouse (as so defined) and for the taxable year has a gross income of less than $2,650, or

"(iii) who is entitled to make a joint return under section 6013 and whose gross income, when combined with the gross income of his spouse, is, for the taxable year, less than $3,400 but only if such individual and his spouse, at the close of the taxable year, had the same household as their home. 26 USC 6013.

Clause (iii) shall not apply if for the taxable year such spouse makes a separate return or any other taxpayer is entitled to an exemption for such spouse under section 151(e). 26 USC 151.

"(B) The amount specified in clause (i) or (ii) of subparagraph (A) shall be increased by $750 in the case of an individual entitled to an additional personal exemption under section 151(c)(1), and the amount specified in clause (iii) of subparagraph (A) shall be increased by $750 for each additional personal exemption to which the individual or his spouse is entitled under section 151(c);".

(c) CHANGE IN OPTIONAL TAX TABLES.—Section 3 (relating to optional tax tables) is amended by striking out "$10,000" and by inserting in lieu thereof "$15,000". 26 USC 3.

SEC. 202. INCREASE IN PERCENTAGE STANDARD DEDUCTION.

(a) INCREASE.—Subsection (b) of section 141 (relating to percentage standard deduction) is amended to read as follows: 26 USC 141.

"(b) PERCENTAGE STANDARD DEDUCTION.—The percentage standard deduction is an amount equal to 16 percent of adjusted gross income but not to exceed—

"(1) $2,600 in the case of—

"(A) a joint return under section 6013, or

"(B) a surviving spouse (as defined in section 2(a)),

"(2) $2,300 in the case of an individual who is not married and who is not a surviving spouse (as so defined), or

"(3) $1,300 in the case of a married individual filing a separate return."

(b) CONFORMING AMENDMENT.—Subparagraph (B) of section 3402(m)(1) (relating to withholding allowances based on itemized deductions) is amended to read as follows: 26 USC 3402.

"(B) an amount equal to the lesser of (i) 16 percent of his estimated wages, or (ii) $2,600 ($2,300 in the case of an individual who is not married (within the meaning of section 143) and who is not a surviving spouse (as defined in section 2(a)))."

SEC. 203. TAX CREDIT FOR PERSONAL EXEMPTIONS.

(a) IN GENERAL.—Subpart A of part VI of subchapter A of chapter 1 (relating to credits allowable against tax) is amended by redesignating section 42 as section 43 and by inserting after section 41 the following new section: 26 USC 42.

26 USC 42.

"SEC. 42. CREDIT FOR PERSONAL EXEMPTIONS.

"(a) GENERAL RULE.—In the case of an individual, there shall be allowed as a credit against the tax imposed by this chapter for the taxable year $30, multiplied by each exemption for which the taxpayer is entitled for the taxable year under subsection (b) or (e) of section 151.

26 USC 151.

"(b) APPLICATION WITH OTHER CREDITS.—The credit allowed by subsection (a) shall not exceed the amount of the tax imposed by this chapter for the taxable year. In determining the credits allowed under—

26 USC 33.
"(1) section 33 (relating to foreign tax credit),

26 USC 37.
"(2) section 37 (relating to retirement income),

26 USC 38.
"(3) section 38 (relating to investment in certain depreciable property).

26 USC 40.
"(4) section 40 (relating to expenses of work incentive programs), and

26 USC 41.
"(5) section 41 (relating to contributions to candidates for public office),

the tax imposed by this chapter shall (before any other reductions) be reduced by the credit allowed by this section."

(b) TECHNICAL AND CLERICAL AMENDMENTS.—

(1) The table of sections for such subpart is amended by striking out the last item and inserting in lieu thereof the following:

"Sec. 42. Credit for personal exemptions.
"Sec. 43. Overpayments of tax."

26 USC 56.

(2) Section 56(a)(2) (relating to imposition of minimum tax) is amended by striking out "and" at the end of clause (iv), by striking out "; and" at the end of clause (v) and inserting in lieu thereof ", and", and by inserting after clause (v) the following new clause:

Supra.

"(vi) section 42 (relating to credit for personal exemptions); and".

(3) Section 56(c)(1) (relating to tax carryovers) is amended by striking out "and" at the end of subparagraph (D), by striking out "exceed" at the end of subparagraph (E) and inserting in lieu thereof "and", and by inserting after subparagraph (E) the following new subparagraph:

"(F) section 42 (relating to credit for personal exemptions), exceed".

26 USC 6096.

(4) Section 6096(b) (relating to designation of income tax payments to Presidential Election Campaign Fund) is amended by striking out "and 41" and inserting in lieu thereof "41, and 42".

SEC. 204. CREDIT FOR CERTAIN EARNED INCOME.

(a) ALLOWANCE OF CREDIT.—Subpart A of part IV of subchapter A of chapter 1 (relating to credits against tax) is amended by redesignating section 43 as section 44, and by inserting after section 42 the following new section:

26 USC 43.

"SEC. 43. EARNED INCOME.

"(a) ALLOWANCE OF CREDIT.—In the case of an eligible individual, there shall be allowed as a credit against the tax imposed by this chapter for the taxable year an amount equal to 10 percent of so much of the earned income for the taxable year as does not exceed $4,000.

"(b) LIMITATION.—The amount of the credit allowable to a taxpayer under subsection (a) for any taxable year shall be reduced (but not below zero) by an amount equal to 10 percent of so much of the adjusted gross income (or, if greater, the earned income) of the taxpayer for the taxable year as exceeds $4,000.

"(c) DEFINITIONS.—For purposes of this section—

"(1) ELIGIBLE INDIVIDUAL.—The term 'eligible individual' means an individual who, for the taxable year—

"(A) maintains a household (within the meaning of section 214(b)(3)) in the United States which is the principal place of abode of that individual and of a child of that individual with respect to whom he is entitled to claim a deduction under section 151(e)(1)(B) (relating to additional exemption for dependents), and

26 USC 214.

26 USC 151.

"(B) is not entitled to exclude any amount from gross income under section 911 (relating to earned income from sources without the United States) or section 931 (relating to income from sources within the possessions of the United States).

26 USC 911.

26 USC 931.

"(2) EARNED INCOME.—

"(A) The term 'earned income' means—

"(i) wages, salaries, tips, and other employee compensation, plus

"(ii) the amount of the taxpayer's net earnings from self-employment for the taxable year (within the meaning of section 1402(a)).

26 USC 1402.

"(B) For purposes of subparagraph (A)—

"(i) except as provided in clause (ii), any amount shall be taken into account only if such amount is includible in the gross income of the taxpayer for the taxable year,

"(ii) the earned income of an individual shall be computed without regard to any community property laws,

"(iii) no amount received as a pension or annuity shall be taken into account, and

"(iv) no amount to which section 871(a) applies (relating to income of nonresident alien individuals not connected with United States business) shall be taken into account.

26 USC 871.

"(d) MARRIED INDIVIDUALS.—In the case of an individual who is married (within the meaning of section 143), this section shall apply only if a joint return is filed for the taxable year under section 6013.

26 USC 143.

26 USC 6013.

"(e) TAXABLE YEAR MUST BE FULL TAXABLE YEAR.—Except in the case of a taxable year closed by reason of the death of the taxpayer, no credit shall be allowable under this section in the case of a taxable year covering a period of less than 12 months."

(b) REFUND TO BE MADE WHERE CREDIT EXCEEDS LIABILITY FOR TAX.—

(1) Section 6401(b) (relating to excessive credits) is amended—

26 USC 6401.

(A) by inserting "43 (relating to earned income credit)," before "and 667(b)"; and

Ante, p. 30.

(B) by striking out "and 39" and inserting in lieu thereof a comma and ", 39, and 43".

26 USC 39.

(2) Section 6201(a)(4) (relating to assessment authority) is amended by—

26 USC 6201.

(A) inserting "or 43" after "section 39" in the caption of such section; and

(B) striking out "oil)," and inserting in lieu thereof "oil) or section 43 (relating to earned income),".

(c) CLERICAL AMENDMENT.—The table of sections for such subpart is amended by striking out the last item and inserting in lieu thereof the following:

"Sec. 43. Credit for certain earned income.
"Sec. 44. Overpayments of tax."

SEC. 205. WITHHOLDING TAX.

26 USC 3402.

(a) REQUIREMENT OF WITHHOLDING.—Subsection (a) of section 3402 (relating to income tax collected at source) is amended to read as follows:

"(a) REQUIREMENT OF WITHHOLDING.—Except as otherwise provided in this section, every employer making payment of wages shall deduct and withhold upon such wages a tax determined in accordance with tables prescribed by the Secretary or his delegate. The tables so prescribed shall be the same as the tables contained in this subsection as in effect on January 1, 1975, except that the amounts set forth as amounts of income tax to be withheld with respect to wages paid after April 30, 1975, and before January 1, 1976, shall reflect the full calendar year effect for 1975 of the amendments made by sections 201, 202, 203, and 204 of the Tax Reduction Act of 1975. For purposes of applying such tables, the term 'the amount of wages' means the amount by which the wages exceed the number of withholding exemptions claimed, multiplied by the amount of one such exemption as shown in the table in subsection (b) (1)."

"The amount of wages."

(b) CONFORMING AMENDMENT.—Section 3402(c)(6) (relating to wage bracket withholding) is amended by striking out "table 7 contained in subsection (a)" and inserting in lieu thereof "the table for an annual payroll period prescribed pursuant to subsection (a)".

SEC. 206. INCREASE IN INCOME LIMITATION APPLICABLE TO CHILD AND DEPENDENT CARE DEDUCTION.

26 USC 214.

Section 214 (relating to expenses for household and dependent care services necessary for gainful employment) is amended by striking out "$18,000" each place it appears in subsection (d) and inserting in lieu thereof "$35,000".

SEC. 207. EXTENSION OF PERIOD FOR REPLACING OLD RESIDENCE FOR PURPOSES OF NONRECOGNITION OF GAIN UNDER SECTION 1034.

(a) ONE-YEAR PERIOD INCREASED TO 18 MONTHS.—

26 USC 1034.

(1) Subsections (a), (c)(4), (c)(5), (d), and (h) of section 1034 (relating to nonrecognition of gain on sale or exchange of residence) are each amended by striking out "1 year" each place it appears and inserting in lieu thereof "18 months".

(2) Subsection (c)(5) of section 1034 is amended by striking out "one year" and inserting in lieu thereof "18 months".

(b) 18-MONTH PERIOD FOR CONSTRUCTING NEW RESIDENCE INCREASED TO 2 YEARS.—Subsection (c)(5) of section 1034 is amended by striking out "18 months" and inserting in lieu thereof "2 years".

SEC. 208. CREDIT FOR PURCHASE OF NEW PRINCIPAL RESIDENCE.

(a) ALLOWANCE OF CREDIT.—Subpart A of part IV of subchapter A of chapter 1 (relating to credits allowed) is amended by redesignating section 44 as section 45 and by inserting after section 43 the following new section:

26 USC 44.

"SEC. 44. PURCHASE OF NEW PRINCIPAL RESIDENCE.

"(a) GENERAL RULE.—In the case of an individual there is allowed, as a credit against the tax imposed by this chapter for the taxable year, an amount equal to 5 percent of the purchase price of a new principal residence purchased or constructed by the taxpayer.

"(b) LIMITATIONS.—

"(1) MAXIMUM CREDIT.—The credit allowed under subsection (a) may not exceed $2,000.

"(2) LIMITATION TO ONE RESIDENCE.—The credit under this section shall be allowed with respect to only one residence of the taxpayer.

"(3) MARRIED INDIVIDUALS.—In the case of a husband and wife who file a joint return under section 6013, the amount specified under paragraph (1) shall apply to the joint return. In the case of a married individual filing a separate return, paragraph (1) shall be applied by substituting '$1,000' for '$2,000'. 26 USC 6013.

"(4) CERTAIN OTHER TAXPAYERS.—In the case of individuals to whom paragraph (3) does not apply who together purchase the same new principal residence for use as their principal residence, the amount of the credit allowed under subsection (a) shall be allocated among such individuals as prescribed by the Secretary or his delegate, but the sum of the amounts allowed to such individuals shall not exceed $2,000 with respect to that residence.

"(5) APPLICATION WITH OTHER CREDITS.—The credit allowed by subsection (a) shall not exceed the amount of the tax imposed by this chapter for the taxable year, reduced by the sum of the credits allowable under sections 33, 37, 38, 40, 41, and 42. 26 USC 33, 37, 38, 40, 41, 42.

"(c) DEFINITIONS.—For purposes of this section—

"(1) NEW PRINCIPAL RESIDENCE.—The term 'new principal residence' means a principal residence (within the meaning of section 1034), the original use of which commences with the taxpayer, and includes, without being limited to, a single family structure, a residential unit in a condominium or cooperative housing project, and a mobile home. 26 USC 1034.

"(2) PURCHASE PRICE.—The term 'purchase price' means the adjusted basis of the new principal residence on the date of the acquisition thereof.

"(3) PURCHASE.—The term 'purchase' means any acquisition of property, but only if—

"(A) the property is not acquired from a person whose relationship to the person acquiring it would result in the disallowance of losses under section 267 or 707(b) (but, in applying section 267 (b) and (c) for purposes of this section, paragraph (4) of section 267(c) shall be treated as providing that the family of an individual shall include only his spouse, ancestors, and lineal descendants), and 26 USC 267, 707.

"(B) the basis of the property in the hands of the person acquiring it is not determined—

"(i) in whole or in part by reference to the adjusted basis of such property in the hands of the person from whom acquired, or

"(ii) under section 1014(a) (relating to property acquired from a decedent). 26 USC 1014.

"(d) RECAPTURE FOR CERTAIN DISPOSITIONS.—

"(1) IN GENERAL.—Except as provided in paragraphs (2) and (3), if the taxpayer disposes of property with respect to the purchase of which a credit was allowed under subsection (a) at any time within 36 months after the date on which he acquired it (or, in the case of construction by the taxpayer, on the day on which he first occupied it) as his principal residence, then the tax imposed under this chapter for the taxable year in which termi-

nates the replacement period under paragraph (2) with respect to the disposition is increased by an amount equal to the amount allowed as a credit for the purchase of such property.

"(2) ACQUISITION OF NEW RESIDENCE.—If, in connection with a disposition described in paragraph (1) and within the applicable period prescribed in section 1034, the taxpayer purchases or constructs a new principal residence, then the provisions of paragraph (1) shall not apply and the tax imposed by this chapter for the taxable year following the taxable year during which disposition occurs is increased by an amount which bears the same ratio to the amount allowed as a credit for the purchase of the old residence as (A) the adjusted sales price of the old residence (within the meaning of section 1034), reduced (but not below zero) by the taxpayer's cost of purchasing the new residence (within the meaning of such section) bears to (B) the adjusted sales price of the old residence.

Ante, p. 32.

26 USC 1034.

"(3) DEATH OF OWNER; CASUALTY LOSS; INVOLUNTARY CONVERSION; ETC.—The provisions of paragraph (1) do not apply to—

"(A) a disposition of a residence made on account of the death of any individual having a legal or equitable interest therein occurring during the 36 month period to which reference is made under such paragraph,

"(B) a disposition of the old residence if it is substantially or completely destroyed by a casualty described in section 165(c)(3) or compulsorily and involuntarily converted (within the meaning of section 1033(a)), or

26 USC 165.
26 USC 1033.

"(C) a disposition pursuant to a settlement in a divorce or legal separation proceeding where the other spouse retains the residence as principal residence.

"(e) PROPERTY TO WHICH SECTION APPLIES.—

"(1) IN GENERAL.—The provisions of this section apply to a new principal residence—

"(A) the construction of which began before March 26, 1975,

"(B) which is acquired and occupied by the taxpayer after March 12, 1975, and before January 1, 1977, and

"(C) if not constructed by the taxpayer, which was acquired by the taxpayer under a binding contract entered into by the taxpayer before January 1, 1976.

"(2) SELF-CONSTRUCTED PROPERTY BEGUN BEFORE MARCH 13, 1975.—In the case of property the construction of which was begun by the taxpayer before March 13, 1975, only that portion of the basis of such property properly allocable to construction after March 12, 1975, shall be taken into account in determining the amount of the credit allowable under subsection (a).

"(3) BINDING CONTRACT.—For purposes of this subsection, a contract for the purchase of a residence which is conditioned upon the purchaser's obtaining a loan for the purchase of the residence (including conditions as to the amount or interest rate of such loan) is not considered non-binding on account of that condition.

"(4) CERTIFICATION MUST BE ATTACHED TO RETURN.—This section shall not apply to any residence (other than a residence constructed by the taxpayer) unless there is attached to the return of tax on which the credit is claimed a certification by the seller, in accordance with regulations prescribed by the Secretary or his delegate, that the purchase price is the lowest price at which the residence was ever offered for sale."

(b) SUITS TO RECOVER AMOUNTS OF PRICE INCREASES.—If—

(1) any person certifies under section 44(e)(4) of the Internal Revenue Code of 1954 that the price for which a residence was sold is the lowest price at which the residence was ever offered for sale, and *Ante*, p. 32.

(2) the price for which the residence was sold exceeded the lowest price at which the residence was ever offered for sale,

such person shall be liable to the purchaser of such residence in an amount equal to three times the amount of such excess. The United States district courts shall have jurisdiction of suits to recover such amounts without regard to any other provision of law. In any suit brought under this subsection in which judgment is entered for the purchaser, he shall also be entitled to recover a reasonable attorney's fee.

(c) DENIAL OF DEDUCTION.—Notwithstanding the provisions of section 162 or 212 of the Internal Revenue Code of 1954, no deduction shall be allowed in computing taxable income for two-thirds of any amount paid or incurred on a judgment entered against any person in a suit brought under subsection (b). 26 USC 162, 212.

(d) TECHNICAL AND CLERICAL AMENDMENTS.—

(1) The table of sections for such subpart is amended by striking out the last item and inserting in lieu thereof the following:

"Sec. 44. Credit for purchase of new principal residence.
"Sec. 45. Overpayments of tax."

(2) Section 56(a)(2) (relating to imposition of minimum tax) is amended by striking out "and" at the end of clause (v), by striking out "; and" at the end of clause (vi) and inserting in lieu thereof ", and", and by inserting after clause (vi) the following new clause: 26 USC 56.

"(vii) section 44 (relating to credit for purchase of new principal residence); and".

(3) Section 56(c)(1) (relating to tax carryovers) is amended by striking out "and" at the end of subparagraph (E), by striking out "exceed" at the end of subparagraph (F) and inserting in lieu thereof "and", and by inserting after subparagraph (F) the following new subparagraph:

"(G) section 44 (relating to credit for purchase of new principal residence), exceed".

(4) Section 6096(b) (relating to designation of income tax payments to Presidential Election Campaign Fund) is amended by striking out "and 42" and inserting in lieu thereof "42, and 44". 26 USC 6096.

SEC. 209. EFFECTIVE DATES.

(a) SECTIONS 201, 202(a), AND 203.—The amendments made by sections 201, 202(a), and 203 shall apply to taxable years ending after December 31, 1974. Such amendments shall cease to apply to taxable years ending after December 31, 1975. 26 USC 42 note.

(b) SECTION 204.—The amendments made by section 204 shall apply to taxable years beginning after December 31, 1974, and before January 1, 1976. 26 USC 43 note.

(c) SECTIONS 202(b) AND 205.—The amendments made by sections 202(b) and 205 shall apply to wages paid after April 30, 1975, and before January 1, 1976. 26 USC 3402 note.

(d) SECTION 206.—The amendments made by section 206 apply to taxable years beginning after the date of enactment of this Act. 26 USC 214 note.

(e) SECTION 207.—The amendments made by section 207 shall apply to old residences (within the meaning of section 1034 of the Internal Revenue Code of 1954) sold or exchanged after December 31, 1974, in taxable years ending after such date. 26 USC 1034 note. 26 USC 1034.

TITLE III—CERTAIN CHANGES IN BUSINESS TAXES

SEC. 301. INCREASE IN INVESTMENT CREDIT.

(a) INCREASE OF INVESTMENT CREDIT.—Paragraph (1) of section 46 (a) (determining the amount of the investment credit) is amended to read as follows:

26 USC 46.

"(1) GENERAL RULE.—

"(A) TEN PERCENT CREDIT.—Except as otherwise provided in this paragraph, in the case of a property described in subparagraph (D), the amount of the credit allowed by section 38 for the taxable year shall be an amount equal to 10 percent of the qualified investment (as determined under subsections (c) and (d)).

"(B) ELEVEN PERCENT CREDIT.—Except as otherwise provided in this paragraph, in the case of a corporation which elects to have the provisions of this subparagraph apply, the amount of the credit allowed by section 38 for the taxable year with respect to property described in subparagraph (D) shall be an amount equal to 11 percent of the qualified investment (as determined under subsections (c) and (d)). An election may not be made to have the provisions of this subparagraph apply for the taxable year unless the corporation meets the requirements of section 301(d) of the Tax Reduction Act of 1975. An election by a corporation to have the provisions of this subparagraph apply shall be made at such time, in such form, and in such manner as the Secretary or his delegate may prescribe.

26 USC 38.

Supra.

"(C) SEVEN PERCENT CREDIT.—Except as otherwise provided in this paragraph, the amount of credit allowed by section 38 for the taxable year shall be an amount equal to 7 percent of the qualified investment (as determined under subsections (c) and (d)).

"(D) TRANSITIONAL RULES.—The provisions of subparagraphs (A) and (B) shall apply only to—

"(i) property to which subsection (d) does not apply, the construction, reconstruction, or erection of which is completed by the taxpayer after January 21, 1975, but only to the extent of the basis thereof attributable to the construction, reconstruction, or erection after January 21, 1975, and before January 1, 1977.

"(ii) property to which subsection (d) does not apply, acquired by the taxpayer after January 21, 1975, and before January 1, 1977, and placed in service by the taxpayer before January 1, 1977, and

"(iii) property to which subsection (d) applies, but only to the extent of the qualified investment (as determined under subsections (c) and (d)) with respect to qualified progress expenditures made after January 21, 1975, and before January 1, 1977."

(b) PUBLIC UTILITY PROPERTY.—

(1) DETERMINATION OF QUALIFIED INVESTMENT.—Subparagraph (A) of section 46(c)(3) (relating to determination of qualified investment in the case of public utility property) is amended to read as follows:

26 USC 46.

"(A) To the extent that subsection (a)(1)(C) applies to property which is public utility property, the amount of the qualified investment shall be 4/7 of the amount determined under paragraph (1).".

(2) INCREASE IN 50-PERCENT LIMITATION.—Section 46(a) (relating to determination of amount of credit) is amended by adding at the end thereof the following new paragraph: 26 USC 46.

"(6) ALTERNATIVE LIMITATION IN THE CASE OF CERTAIN UTILITIES.—

"(A) IN GENERAL.—If, for a taxable year ending after calendar year 1974 and before calendar year 1981, the amount of the qualified investment of the taxpayer which is attributable to public utility property is 25 percent or more of his aggregate qualified investment, then subparagraph (C) of paragraph (2) of this subsection shall be applied by substituting for 50 percent his applicable percentage for such year.

"(B) APPLICABLE PERCENTAGE.—The applicable percentage of any taxpayer for any taxable year is—

"(i) 50 percent, plus

"(ii) that portion of the tentative percentage for the taxable year which the taxpayer's amount of qualified investment which is public utility property bears to his aggregate qualified investment.

If the proportion referred to in clause (ii) is 75 percent or more, the applicable percentage of the taxpayer for the year shall be 50 percent plus the tentative percentage for such year.

"(C) TENTATIVE PERCENTAGE.—For purposes of subparagraph (B), the tentative percentage shall be determined under the following table:

"If the taxable year ends in:	The tentative percentage is:
1975 or 1976	50
1977	40
1978	30
1979	20
1980	10

"(D) PUBLIC UTILITY PROPERTY DEFINED.—For purposes of this paragraph, the term 'public utility property' has the meaning given to such term by the first sentence of subsection (c)(3)(B)."

(3) LIMITATION IN CASE OF CERTAIN REGULATED COMPANIES.—Section 46(f), as redesignated by section 302(a) of this Act (relating to limitation in case of certain regulated companies), is amended by adding at the end thereof the following new paragraph: *Post*, p. 40.

"(8) PROHIBITION OF IMMEDIATE FLOWTHROUGH.—An election made under paragraph (3) shall apply only to the amount of the credit allowable under section 38 with respect to public utility property (within the meaning of subsection (a)(6)(D)) determined as if the Tax Reduction Act of 1975 had not been enacted. Any taxpayer who had timely made an election under paragraph (3) may, at his own option and without regard to any requirement imposed by an agency described in subsection (c)(3)(B), elect within 90 days after the date of the enactment of the Tax Reduction Act of 1975 (in such manner as the Secretary or his delegate shall prescribe) to have the provisions of paragraph (3) apply with respect to the amount of the credit allowable under section 38 with respect to such property which is in excess of the amount determined under the preceding sentence. If such taxpayer does not make such an election, paragraph (1) or (2) (whichever paragraph is applicable without regard to this paragraph) shall apply to such excess credit, except that if neither paragraph (1) nor (2) 26 USC 38. *Ante*, p. 26.

is applicable (without regard to this paragraph), paragraph (1) shall apply unless the taxpayer elects (in such manner as the Secretary or his delegate shall prescribe) within 90 days after the date of the enactment of the Tax Reduction Act of 1975 to have the provisions of paragraph (2) apply. The provisions of this paragraph shall not be applied to disallow such excess credit before the first final determination which is inconsistent with such requirements is made, determined in the same manner as under paragraph (4)."

Ante, p. 26.

26 USC 46 note.

(4) EFFECTIVE DATES.—The amendment made by paragraph (1) of this subsection shall apply to property placed in service after January 21, 1975, in taxable years ending after January 21, 1975. The amendments made by paragraphs (2) and (3) shall apply to taxable years ending after December 31, 1974.

(c) INCREASE FROM $50,000 TO $100,000 OF DOLLAR LIMITATION ON USED PROPERTY.—

26 USC 48.
26 USC 38.

(1) IN GENERAL.—Paragraph (2) of subsection 48(c) (relating to dollar limitation in case of used section 38 property) is amended—

(A) by striking out "$50,000" each place it appears and inserting in lieu thereof "$100,000", and

(B) by striking out "$25,000" and inserting in lieu thereof "$50,000".

26 USC 48 note.

(2) EFFECTIVE DATE.—The amendments made by paragraph (1) shall apply only to taxable years beginning after December 31, 1974, and before January 1, 1977.

26 USC 46 note.

(d) PLAN REQUIREMENTS FOR TAXPAYERS ELECTING 11-PERCENT CREDIT.—In order to meet the requirements of this subsection—

Employee stock ownership plan.

(1) A corporation (hereinafter in this subsection referred to as the "employer") must establish an employee stock ownership plan (described in paragraph (2)) which is funded by transfers of employer securities in accordance with the provisions of paragraph (6) and which meets all other requirements of this subsection.

(2) The plan referred to in paragraph (1) must be a defined contribution plan established in writing which—

(A) is a stock bonus plan, a stock bonus and a money purchase pension plan, or a profit-sharing plan,

(B) is designed to invest primarily in employer securities, and

(C) meets such other requirements (similar to requirements applicable to employee stock ownership plans as defined in section 4975(e)(7) of the Internal Revenue Code of 1954) as the Secretary of the Treasury or his delegate may prescribe.

26 USC 4975.

(3) The plan must provide for the allocation of all employer securities transferred to it or purchased by it (because of the requirements of section 46(a)(1)(B) of the Internal Revenue Code of 1954) to the account of each participant (who was a participant at any time during the plan year, whether or not he is a participant at the close of the plan year) as of the close of each plan year in an amount which bears substantially the same proportion to the amount of all such securities allocated to all participants in the plan for that plan year as the amount of compensation paid to such participant (disregarding any compensation in excess of the first $100,000 per year) bears to the compensation paid to all such participants during that year (disregarding any compensation in excess of the first $100,000 with respect to any participant).

Ante, p. 36.

Notwithstanding the first sentence of this paragraph, the allocation to participants' accounts may be extended over whatever period may be necessary to comply with the requirements of section 415 of the Internal Revenue Code of 1954. 26 USC 415.

(4) The plan must provide that each participant has a nonforfeitable right to any stock allocated to his account under paragraph (3), and that no stock allocated to a participant's account may be distributed from that account before the end of the eighty-fourth month beginning after the month in which the stock is allocated to the account except in the case of separation from the service, death, or disability.

(5) The plan must provide that each participant is entitled to direct the plan as to the manner in which any employer securities allocated to the account of the participant are to be voted.

(6) On making a claim for credit, adjustment, or refund under section 38 of the Internal Revenue Code of 1954, the employer states in such claim that it agrees, as a condition of receiving any such credit, adjustment, or refund, to transfer employer securities forthwith to the plan having an aggregate value at the time of the claim of 1 percent of the amount of the qualified investment (as determined under section 46 (c) and (d) of such Code) of the taxpayer for the taxable year. For purposes of meeting the requirements of this paragraph, a transfer of cash shall be treated as a transfer of employer securities if the cash is, under the plan, used to purchase employer securities. 26 USC 38. *Post*, p. 40.

(7) Notwithstanding any other provision of law to the contrary, if the plan does not meet the requirements of section 401 of the Internal Revenue Code of 1954— 26 USC 401.

(A) stock transferred under paragraph (6) and allocated to the account of any participant under paragraph (3) and dividends thereon shall not be considered income of the participant or his beneficiary under the Internal Revenue Code of 1954 until actually distributed or made available to the participant or his beneficiary and, at such time, shall be taxable under section 72 of such Code (treating the participant or his beneficiary as having a basis of zero in the contract), 26 USC 1 *et seq.* 26 USC 72.

(B) no amount shall be allocated to any participant in excess of the amount which might be allocated if the plan met the requirements of section 401 of such Code, and

(C) the plan must meet the requirements of sections 410 and 415 of such Code. 26 USC 410, 415.

(8) If the amount of the credit determined under section 46(a)(1)(B) of the Internal Revenue Code of 1954, is recaptured in accordance with the provisions of such Code, the amounts transferred to the plan under this subsection and allocated under the plan shall remain in the plan or in participant accounts, as the case may be and continue to be allocated in accordance with the original plan agreement. *Ante*, p. 36.

(9) For purposes of this subsection, the term—

(A) "employer securities" means common stock issued by the employer or a corporation which is in control of the employer (within the meaning of section 368(c) of the Internal Revenue Code of 1954) with voting power and dividend rights no less favorable than the voting power and dividend rights of other common stock issued by the employer or such controlling corporation, or securities issued by the employer or such controlling corporation, convertible into such stock, and "Employer securities." 26 USC 368.

"Value."

(B) "value" means the average of closing prices of the employer's securities, as reported by a national exchange on which securities are listed, for the 20 consecutive trading days immediately preceding the date of transfer or allocation of such securities or, in the case of securities not listed on a national exchange, the fair market value as determined in good faith and in accordance with regulations issued by the Secretary of the Treasury or his delegate.

Regulations and reports.

(10) The Secretary of the Treasury or his delegate shall prescribe such regulations and require such reports as may be necessary to carry out the provisions of this subsection.

Penalty.

(11) If the employer fails to meet any requirement imposed under this subsection or under any obligation undertaken to comply with the requirement of this subsection, he is liable to the United States for a civil penalty of an amount equal to the amount involved in such failure. The preceding sentence shall not apply if the taxpayer corrects such failure (as determined by the Secretary of the Treasury or his delegate) within 90 days after notice thereof. For purposes of this paragraph, the term "amount involved" means an amount determined by the Secretary or his delegate, but not in excess of 1 percent of the qualified investment of the taxpayer for the taxable year under section 46(a)(1)(B) and not less than the product of one-half of one percent of such amount multiplied by the number of months (or parts thereof) during which such failure continues. The amount of such penalty may be collected by the Secretary of the Treasury in the same manner in which a deficiency in the payment of Federal income tax may be collected.

"Amount involved."

Ante, p. 36.

(12) Notwithstanding any provision of the Internal Revenue Code of 1954 to the contrary, no deductions shall be allowed under section 162, 212, or 404 of such Code for amounts transferred to an employee stock ownership plan and taken into account under this subsection.

26 USC 1 *et seq.*
26 USC 162, 212, 404.

SEC. 302. ALLOWANCE OF INVESTMENT CREDIT WHERE CONSTRUCTION OF PROPERTY WILL TAKE MORE THAN 2 YEARS.

26 USC 46.

(a) GENERAL RULE.—Section 46 (relating to amount of credit) is amended by redesignating subsections (d) and (e) as subsections (e) and (f), respectively, and by inserting after subsection (c) the following new subsection:

"(d) QUALIFIED PROGRESS EXPENDITURES.—

"(1) IN GENERAL.—In the case of any taxpayer who has made an election under paragraph (6), the amount of his qualified investment for the taxable year (determined under subsection (c) without regard to this subsection) shall be increased by an amount equal to his aggregate qualified progress expenditures for the taxable year with respect to progress expenditure property.

"(2) PROGRESS EXPENDITURE PROPERTY DEFINED.—

"(A) IN GENERAL.—For purposes of this subsection, the term 'progress expenditure property' means any property which is being constructed by or for the taxpayer and which—

"(i) has a normal construction period of two years or more, and

"(ii) it is reasonable to believe will be new section 38 property having a useful life of 7 years or more in the hands of the taxpayer when it is placed in service.

26 USC 38.

Clauses (i) and (ii) of the preceding sentence shall be applied on the basis of facts known at the close of the taxable

year of the taxpayer in which construction begins (or, if later, at the close of the first taxable year to which an election under this subsection applies).

"(B) NORMAL CONSTRUCTION PERIOD.—For purposes of subparagraph (A), the term 'normal construction period' means the period reasonably expected to be required for the construction of the property—

"(i) beginning with the date on which physical work on the construction begins (or, if later, the first day of the first taxable year to which an election under this subsection applies), and

"(ii) ending on the date on which it is expected that the property will be available for placing in service.

"(3) QUALIFIED PROGRESS EXPENDITURES DEFINED.—For purposes of this subsection—

"(A) SELF-CONSTRUCTED PROPERTY.—In the case of any self-constructed property, the term 'qualified progress expenditures' means the amount which, for purposes of this subpart, is, properly chargeable (during such taxable year) to capital account with respect to such property.

"(B) NON-SELF-CONSTRUCTED PROPERTY.—In the case of non-self-constructed property, the term 'qualified progress expenditures' means the lesser of—

"(i) the amount paid during the taxable year to another person for the construction of such property, or

"(ii) the amount which represents that proportion of the overall cost to the taxpayer of the construction by such other person which is properly attributable to that portion of such construction which is completed during such taxable year.

"(4) SPECIAL RULES FOR APPLYING PARAGRAPH (3).—For purposes of paragraph (3)—

"(A) COMPONENT PARTS, ETC.—Property which is to be a component part of, or is otherwise to be included in, any progress expenditure property shall be taken into account—

"(i) at a time not earlier than the time at which it becomes irrevocably devoted to use in the progress expenditure property, and

"(ii) as if (at the time referred to in clause (i)) the taxpayer had expended an amount equal to that portion of the cost to the taxpayer of such component or other property which, for purposes of this subpart, is properly chargeable (during such taxable year) to capital account with respect to such property.

"(B) CERTAIN BORROWINGS DISREGARDED.—Any amount borrowed directly or indirectly by the taxpayer from the person constructing the property for him shall not be treated as an amount expended for such construction.

"(C) CERTAIN UNUSED EXPENDITURES CARRIED OVER.—In the case of non-self-constructed property, if for the taxable year—

"(i) the amount under clause (i) of paragraph (3) (B) exceeds the amount under clause (ii) of paragraph (3) (B), then the amount of such excess shall be taken into account under such clause (i) for the succeeding taxable year, or

"(ii) the amount under clause (ii) of paragraph (3) (B) exceeds the amount under clause (i) of paragraph

(3)(B), then the amount of such excess shall be taken into account under such clause (ii) for the succeeding taxable year.

"(D) DETERMINATION OF PERCENTAGE OF COMPLETION.—In the case of non-self-constructed property, the determination under paragraph (3)(B)(ii) of the proportion of the overall cost to the taxpayer of the construction of any property which is properly attributable to construction completed during any taxable year shall be made, under regulations prescribed by the Secretary or his delegate, on the basis of engineering or architectural estimates or on the basis of cost accounting records. Unless the taxpayer establishes otherwise by clear and convincing evidence, the construction shall be deemed to be completed not more rapidly than ratably over the normal construction period.

"(E) NO QUALIFIED PROGRESS EXPENDITURES FOR CERTAIN PRIOR PERIODS.—In the case of any property, no qualified progress expenditures shall be taken into account under this subsection for any period before January 22, 1975 (or, if later, before the first day of the first taxable year to which an election under this subsection applies).

"(F) NO QUALIFIED PROGRESS EXPENDITURES FOR PROPERTY FOR YEAR IT IS PLACED IN SERVICE, ETC.—In the case of any property, no qualified progress expenditures shall be taken into account under this subsection for the earlier of—

"(i) the taxable year in which the property is placed in service, or

"(ii) the first taxable year for which recapture is required under section 47(a)(3) with respect to such property,

Post, p. 43.

or for any taxable year thereafter.

"(5) OTHER DEFINITIONS.—For purposes of this subsection—

"(A) SELF-CONSTRUCTED PROPERTY.—The term 'self-constructed property' means property more than half of the construction expenditures for which it is reasonable to believe will be made directly by the taxpayer.

"(B) NON-SELF-CONSTRUCTED PROPERTY.—The term 'non-self-constructed property' means property which is not self-constructed property.

"(C) CONSTRUCTION, ETC.—The term 'construction' includes reconstruction and erection, and the term 'constructed' includes reconstructed and erected.

"(D) ONLY CONSTRUCTION OF SECTION 38 PROPERTY TO BE TAKEN INTO ACCOUNT.—Construction shall be taken into account only if, for purposes of this subpart, expenditures therefor are properly chargeable to capital account with respect to the property.

"(6) ELECTION.—A election under this subsection may be made at such time and in such manner as the Secretary or his delegate may by regulations prescribe. Such an election shall apply to the taxable year for which made and to all subsequent taxable years. Such an election, once made, may not be revoked except with the consent of the Secretary or his delegate.

"(7) TRANSITIONAL RULES.—The qualified investment taken into account under this subsection for any taxable year beginning before January 1, 1980, with respect to any property shall be (in lieu of the full amount) an amount equal to the sum of—

"(A) the applicable percentage of the full amount determined under the following table:

"For a taxable year beginning in:	The applicable percentage is:
1974 or 1975	20
1976	40
1977	60
1978	80
1979	100;

plus

"(B) in the case of any property to which this subsection applied for one or more preceding taxable years, 20 percent of the full amount for each such preceding taxable year.

For purposes of this paragraph, the term 'full amount', when used with respect to any property for any taxable year, means the amount of the qualified investment for such property for such year determined under this subsection without regard to this paragraph." "Full amount."

(b) CONFORMING AMENDMENTS.—

(1) AMENDMENT OF SECTION 46(c).—Section 46(c) (relating to qualified investment) is amended by adding at the end thereof the following new paragraph: 26 USC 46.

"(4) COORDINATION WITH SUBSECTION (d).—The amount which would (but for this paragraph) be treated as qualified investment under this subsection with respect to any property shall be reduced (but not below zero) by any amount treated by the taxpayer or a predecessor of the taxpayer (or, in the case of a sale and leaseback described in section 47(a)(3)(C), by the lessee) as qualified investment with respect to such property under subsection (d), to the extent the amount so treated has not been required to be recaptured by reason of section 47(a)(3)." *Infra.*

(2) DISPOSITION, ETC.—

(A) Subsection (a) of section 47 (relating to certain dispositions, etc., of section 38 property) is amended by redesignating paragraph (3) as paragraph (4) and by inserting after paragraph (2) the following new paragraph: 26 USC 47.

"(3) PROPERTY CEASES TO BE PROGRESS EXPENDITURE PROPERTY.—

"(A) IN GENERAL.—If during any taxable year any property taken into account in determining qualified investment under section 46(d) ceases (by reason of sale or other disposition, cancellation or abandonment of contract, or otherwise) to be, with respect to the taxpayer, property which, when placed in service, will be new section 38 property, then the tax under this chapter for such taxable year shall be increased by an amount equal to the aggregate decrease in the credits allowed under section 38 for all prior taxable years which would have resulted solely from reducing to zero the qualified investment taken into account with respect to such property. *Ante*, p. 40.

"(B) CERTAIN EXCESS CREDIT RECAPTURED.—Any amount which would have been applied as a reduction of the qualified investment in property by reason of paragraph (4) of section 46(c) but for the fact that a reduction under such paragraph cannot reduce qualified investment below zero shall be treated as an amount required to be recaptured under subparagraph (A) for the taxable year in which the property is placed in service.

"(C) CERTAIN SALES AND LEASEBACKS.—Under regulations prescribed by the Secretary or his delegate, a sale by, and

26 USC 48.

leaseback to, a taxpayer who, when the property is placed in service, will be a lessee to whom section 48(d) applies shall not be treated as a cessation described in subparagraph (A) to the extent that the qualified investment which will be passed through to the lessee under section 48(d) with respect to such property is not less than the qualified progress expenditures properly taken into account by the lessee with respect to such property.

"(D) COORDINATION WITH PARAGRAPH (1).—If, after property is placed in service, there is a disposition or other cessation described in paragraph (1), paragraph (1) shall be applied as if any credit which was allowable by reason of section 46(d) and which has not been required to be recaptured before such cessation were allowable for the taxable year the property was placed in service."

Ante, p. 40.

(c) CLERICAL AMENDMENTS.—

Ante, p. 43.

(1) Paragraph (4) of section 47(a) (as redesignated by subsection (b)(2)(A) of this section) is amended by striking out "paragraph (1)" and inserting in lieu thereof "paragraph (1) or (3)".

(2) Paragraphs (5) and (6)(B) of section 47(a) are each amended by striking out "paragraph (3)" and inserting in lieu thereof "paragraph (4)".

26 USC 48.

(3) Paragraphs (1) and (2) of section 48(d) are each amended by striking out "section 46(d)(1)" and inserting in lieu thereof "section 46(e)(1)".

26 USC 50B.

(4) Subsection (f) of section 50B is amended by striking out "section 46(d)" and inserting in lieu thereof "section 46(e)".

SEC. 303. CHANGE IN CORPORATE TAX RATES AND INCREASE IN SURTAX EXEMPTION.

26 USC 11.

(a) TAX RATES.—Section 11(b) (relating to corporate normal tax) is amended to read as follows:

"(b) NORMAL TAX.—The normal tax is equal to—

"(1) in the case of a taxable year ending before January 1, 1975, or after December 31, 1975, 22 percent of the taxable income, and

"(2) in the case of a taxable year ending after December 31, 1974, and before January 1, 1976, the sum of—

"(A) 20 percent of so much of the taxable income as does not exceed $25,000, plus

"(B) 22 percent of so much of the taxable income as exceeds $25,000.".

(b) SURTAX EXEMPTION.—Section 11(d) (relating to surtax exemption) is amended by striking out "$25,000" and inserting in lieu thereof "$50,000".

(c) TECHNICAL AND CONFORMING AMENDMENTS.—

26 USC 1561.

(1) Paragraph (1) of section 1561(a) (as in effect for taxable years beginning after December 31, 1974) (relating to limitations on certain multiple tax benefits in the case of certain controlled corporations) is amended by striking out "$25,000" and inserting in lieu thereof "$50,000". In applying subsection (b)(2) of section 11, the first $25,000 of taxable income and the second $25,000 of taxable income shall each be allocated among the component members of a controlled group of corporations in the same manner as the surtax exemption is allocated.

26 USC 11 note.

26 USC 12.

(2) Paragraph (7) of section 12 (relating to cross references for tax on corporations) is amended by striking out "$25,000" and inserting in lieu thereof "$50,000".

(3) Section 962(c) (relating to surtax exemption for individuals electing to be subject to tax at corporate rates) is amended by striking out "$25,000" and inserting in lieu thereof "$50,000". 26 USC 962.

SEC. 304. INCREASE IN MINIMUM ACCUMULATED EARNINGS CREDIT FROM $100,000 TO $150,000.

(a) INCREASE.—Paragraphs (2) and (3) of section 535(c) (relating to accumulated earnings credit) are each amended by striking out "$100,000" and inserting in lieu thereof "$150,000". 26 USC 535.

(b) CONFORMING AMENDMENTS.—Sections 243(b)(3)(C)(i) (relating to qualifying dividends for purposes of the dividends received deduction), 1551(a) (relating to disallowance of surtax exemption and accumulated earnings credit) and 1561(a)(2) (relating to limitations on certain multiple tax benefits in the case of certain controlled corporations) are each amended by striking out "$100,000" and inserting in lieu thereof "$150,000". 26 USC 243. 26 USC 1551 26 USC 1561.

SEC. 305. EFFECTIVE DATES.

(a) SECTION 302.—The amendments made by section 302 shall apply to taxable years ending after December 31, 1974. 26 USC 46 note.

(b) SECTION 303.—

(1) IN GENERAL.—The amendments made by section 303 shall apply to taxable years ending after December 31, 1974. The amendments made by subsections (b) and (c) of such section shall cease to apply for taxable years ending after December 31, 1975. 26 USC 11 note.

(2) CHANGES TREATED AS CHANGES IN TAX RATE.—Section 21 (relating to change in rates during taxable year) is amended by adding at the end thereof the following new subsection: 26 USC 21.

"(f) INCREASE IN SURTAX EXEMPTION.—In applying subsection (a) to a taxable year of a taxpayer which is not a calendar year, the change made by section 303(b) of the Tax Reduction Act of 1975 in section 11(d) (relating to corporate surtax exemption) shall be treated as a change in a rate of tax." *Ante*, p. 44.

(c) SECTION 304.—The amendments made by section 304 apply to taxable years beginning after December 31, 1974. 26 USC 535 note.

TITLE IV—CHANGES AFFECTING INDIVIDUALS AND BUSINESSES

SEC. 401. FEDERAL WELFARE RECIPIENT EMPLOYMENT INCENTIVE TAX CREDIT.

(a) IN GENERAL.—

(1) Section 50A (a) (relating to determination of amount of credit) is amended by adding at the end thereof the following new paragraph: 26 USC 50A.

"(6) LIMITATION WITH RESPECT TO NONBUSINESS ELIGIBLE EMPLOYEES.—Notwithstanding paragraph (1), the credit allowed by section 40 with respect to Federal welfare recipient employment incentive expenses paid or incurred by the taxpayer during the taxable year to an eligible employee whose services are not performed in connection with a trade or business of the taxpayer shall not exceed $1,000." 26 USC 40.

(2) Section 50A (c)(2)(A) (relating to amount of credit) is amended—

(A) by striking out "or" at the end of clause (ii),

(B) by striking out the period at the end of clause (iii) and inserting in lieu thereof a comma and "or", and

(C) by inserting at the end thereof the following new clause:

"(iv) a termination of employment of an individual with respect to whom Federal welfare recipient employment incentive expenses (as described in section 50B (a)(2)) are taken into account under subsection (a)."

Infra.

26 USC 50B.

(3) Section 50B(a) (relating to definitions; special rules) is amended to read as follows:

"(a) WORK INCENTIVE PROGRAM EXPENSES.—

"(1) IN GENERAL.—For purposes of this subpart, the term 'work incentive program expenses' means the sum of—

"(A) the amount of wages paid or incurred by the taxpayer for services rendered during the first 12 months of employment (whether or not consecutive) of employees who are certified by the Secretary of Labor as—

"(i) having been placed in employment under a work incentive program established under section 432(b)(1) of the Social Security Act, and

42 USC 632.

"(ii) not having displaced any individual from employment, plus

"(B) the amount of Federal welfare recipient employment incentive expenses paid or incurred by the taxpayer during the taxable year.

"(2) DEFINITION.—For purposes of this section, the term 'Federal welfare recipient employment incentive expenses' means the amount of wages paid or incurred by the taxpayer for services rendered to the taxpayer before July 1, 1976, by an eligible employee.

"(3) EXCLUSION.—No item taken into account under paragraph (1)(A) shall be taken into account under paragraph (1)(B). No item taken into account under paragraph (1)(B) shall be taken into account under paragraph 1(A)."

(4) Section 50B(c) is amended—

(A) by striking out "subsection (a)" in paragraph (1) and inserting in lieu thereof "subsection (a)(1)(A)", and

(B) by striking out "subsection (a)" in paragraph (4) and inserting in lieu thereof "subsection (a)(1)(A)".

(5) Section 50B is amended by redesignating subsection (g) as (h) and by inserting immediately after subsection (f) the following new subsection:

"(g) ELIGIBLE EMPLOYEE.—

"(1) ELIGIBLE EMPLOYEE.—For purposes of subsection (a)(1)(B), the term 'eligible employee' means an individual—

"(A) who has been certified by the appropriate agency of State or local government as being eligible for financial assistance under part A of title IV of the Social Security Act and as having continuously received such financial assistance during the 90 day period which immediately precedes the date on which such individual is hired by the taxpayer,

42 USC 601.

"(B) who has been employed by the taxpayer for a period in excess of 30 consecutive days on a substantially full-time basis,

"(C) who has not displaced any other individual from employment by the taxpayer, and

"(D) who is not a migrant worker.

The term 'eligible employee' includes an employee of the taxpayer whose services are not performed in connection with a trade or business of the taxpayer.

"(2) MIGRANT WORKER.—For purposes of paragraph (1), the term 'migrant worker' means an individual who is employed for services for which the customary period of employment by one employer is less than 30 days if the nature of such services requires that such individual travel from place to place over a short period of time."

(b) EFFECTIVE DATE.—The amendments made by this section with respect to federal welfare recipient employment incentive expenses shall apply to such expenses paid or incurred by a taxpayer to an eligible employee whom such taxpayer hires after the date of the enactment of this Act. 26 USC 50A note.

SEC. 402. TIME WHEN CONTRIBUTIONS DEEMED MADE TO CERTAIN PENSION PLANS.

Section 1017 of the Employee Retirement Income Security Act of 1974 (relating to effective dates for funding, etc., provisions of that Act) is amended— 26 USC 410 note.

(1) in subsection (b) by striking out "(c) through (h)," and inserting in lieu thereof "(c) through (i),"; and

(2) by adding at the end thereof the following new subsection:

"(i) CONTRIBUTIONS TO H.R. 10 PLANS.—Notwithstanding subsections (b) and (c)(2), in the case of a plan in existence on January 1, 1974, the amendment made by section 1013(c)(2) of this Act shall apply, with respect to a plan which provides contributions or benefits for employees some or all of whom are employees within the meaning of section 401(c)(1) of the Internal Revenue Code of 1954, for plan years beginning after December 31, 1974, but only if the employer (within the meaning of section 401(c)(4) of such Code) elects in such manner and at such time as the Secretary of the Treasury or his delegate shall by regulations prescribe, to have such amendment so apply. Any election made under this subsection, once made, shall be irrevocable." 88 Stat. 914. 26 USC 412. 26 USC 401.

TITLE V—PERCENTAGE DEPLETION

SEC. 501. LIMITATIONS ON PERCENTAGE DEPLETION FOR OIL AND GAS.

(a) IN GENERAL.—Part I of subchapter I of chapter 1 (relating to natural resources) is amended by inserting after section 613 the following new section:

"SEC. 613A. LIMITATIONS ON PERCENTAGE DEPLETION IN CASE OF OIL AND GAS WELLS. 26 USC 613A.

"(a) GENERAL RULE.—Except as otherwise provided in this section, the allowance for depletion under section 611 with respect to any oil or gas well shall be computed without regard to section 613. 26 USC 611. 26 USC 613.

"(b) EXEMPTION FOR CERTAIN DOMESTIC GAS WELLS.—

"(1) IN GENERAL.—The allowance for depletion under section 611 shall be computed in accordance with section 613 with respect to—

"(A) regulated natural gas,

"(B) natural gas sold under a fixed contract, and

"(C) any geothermal deposit in the United States or in a possession of the United States which is determined to be a gas well within the meaning of section 613(b)(1)(A),

and 22 percent shall be deemed to be specified in subsection (b) of section 613 for purposes of subsection (a) of that section.

"(2) DEFINITIONS.—For purposes of this subsection—

"(A) NATURAL GAS SOLD UNDER A FIXED CONTRACT.—The term 'natural gas sold under a fixed contract' means domestic natural gas sold by the producer under a contract, in effect on February 1, 1975, and at all times thereafter before such sale, under which the price for such gas cannot be adjusted to reflect to any extent the increase in liabilities of the seller for tax under this chapter by reason of the repeal of percentage depletion for gas. Price increases after February 1, 1975, shall be presumed to take increases in tax liabilities into account unless the taxpayer demonstrates to the contrary by clear and convincing evidence.

"(B) REGULATED NATURAL GAS.—The term 'regulated natural gas' means domestic natural gas produced and sold by the producer, before July 1, 1976, subject to the jurisdiction of the Federal Power Commission, the price for which has not been adjusted to reflect to any extent the increase in liability of the seller for tax under this chapter by reason of the repeal of percentage depletion for gas. Price increases after February 1, 1975, shall be presumed to take increases in tax liabilities into account unless the taxpayer demonstrates the contrary by clear and convincing evidence.

"(c) EXEMPTION FOR INDEPENDENT PRODUCERS AND ROYALTY OWNERS.—

"(1) IN GENERAL.—Except as provided in subsection (d), the allowance for depletion under section 611 shall be computed in accordance with section 613 with respect to— 26 USC 611. 26 USC 613.

"(A) so much of the taxpayer's average daily production of domestic crude oil as does not exceed the taxpayer's depletable oil quantity; and

"(B) so much of the taxpayer's average daily production of domestic natural gas as does not exceed the taxpayer's depletable natural gas quantity;

and the applicable percentage (determined in accordance with the table contained in paragraph (5)) shall be deemed to be specified in subsection (b) of section 613 for purposes of subsection (a) of that section.

"(2) AVERAGE DAILY PRODUCTION.—For purposes of paragraph (1)—

"(A) the taxpayer's average daily production of domestic crude oil or natural gas for any taxable year, shall be determined by dividing his aggregate production of domestic crude oil or natural gas, as the case may be, during the taxable year by the number of days in such taxable year, and

"(B) in the case of a taxpayer holding a partial interest in the production from any property (including an interest held in a partnership) such taxpayer's production shall be considered to be that amount of such production determined by multiplying the total production of such property by the taxpayer's percentage participation in the revenues from such property.

In applying this paragraph, there shall not be taken into account any production of crude oil or natural gas resulting from secondary or tertiary processes (as defined in regulations prescribed by the Secretary or his delegate).

"(3) DEPLETABLE OIL QUANTITY.—

"(A) IN GENERAL.—For purposes of paragraph (1), the taxpayer's depletable oil quantity shall be equal to—

"(i) the tentative quantity determined under the table contained in subparagraph (B), reduced (but not below zero) by

"(ii) the taxpayer's average daily secondary or tertiary production for the taxable year.

"(B) PHASE-OUT TABLE.—For purposes of subparagraph (A)—

"In the case of production during the calendar year:	The tentative quantity in barrels is:
1975	2,000
1976	1,800
1977	1,600
1978	1,400
1979	1,200
1980 and thereafter	1,000

"(4) DAILY DEPLETABLE NATURAL GAS QUANTITY.—For purposes of paragraph (1), the depletable natural gas quantity of any taxpayer for any taxable year shall be equal to 6,000 cubic feet multiplied by the number of barrels of the taxpayer's depletable oil quantity to which the taxpayer elects to have this paragraph apply. The taxpayer's depletable oil quantity for any taxable year shall be reduced by the number of barrels with respect to which an election under this paragraph applies. Such election shall be made at such time and in such manner as the Secretary or his delegate shall by regulations prescribe.

"(5) APPLICABLE PERCENTAGE.—For purposes of paragraph (1)—

"In the case of production during the calendar year:	The applicable percentage is:
1975	22
1976	22
1977	22
1978	22
1979	22
1980	22
1981	20
1982	18
1983	16
1984 and thereafter	15

"(6) OIL AND NATURAL GAS RESULTING FROM SECONDARY OR TERTIARY PROCESSES.—

"(A) IN GENERAL.—Except as provided in subsection (d), the allowance for depletion under section 611 shall be computed in accordance with section 613 with respect to— 26 USC 611. 26 USC 613.

"(i) so much of the taxpayer's average daily secondary or tertiary production of domestic crude oil as does not exceed the taxpayer's depletable oil quantity (determined with regard to paragraph (3)(A)(ii)); and

"(ii) so much of the taxpayer's average daily secondary or tertiary production of domestic natural gas as does not exceed the taxpayer's depletable natural gas quantity (determined without regard to paragraph (3)(A)(ii)); and 22 percent shall be deemed to be specified in subsection (b) of section 613 for purposes of subsection (a) of that section.

"(B) AVERAGE DAILY SECONDARY OR TERTIARY PRODUCTION.—For purposes of this subsection—

"(i) the taxpayer's average daily secondary or tertiary production of domestic crude oil or natural gas for any taxable year shall be determined by dividing his aggregate production of domestic crude oil or natural gas, as

the case may be, resulting from secondary or tertiary processes during the taxable year by the number of days in such taxable year, and

"(ii) in the case of a taxpayer holding a partial interest in the production from any property (including any interest held in any partnership) such taxpayer's production shall be considered to be that amount of such production determined by multiplying the total production of such property by the taxpayer's percentage participation in the revenues from such property.

"(C) TERMINATION.—This paragraph shall not apply after December 31, 1983.

"(7) SPECIAL RULES.—

"(A) PRODUCTION OF CRUDE OIL IN EXCESS OF DEPLETABLE OIL QUANTITY.—If the taxpayer's average daily production of domestic crude oil exceeds his depletable oil quantity, the allowance under paragraph (1)(A) with respect to oil produced during the taxable year from each property in the United States shall be that amount which bears the same ratio to the amount of depletion which would have been allowable under section 613(a) for all of the taxpayer's oil produced from such property during the taxable year (computed as if section 613 applied to all of such production at the rate specified in paragraph (5) or (6), as the case may be) as his depletable oil quantity bears to the aggregate number of barrels representing the average daily production of domestic crude oil of the taxpayer for such year.

26 USC 613.

"(B) PRODUCTION OF NATURAL GAS IN EXCESS OF DEPLETABLE NATURAL GAS QUANTITY.—If the taxpayer's average daily production of domestic natural gas exceeds his depletable natural gas quantity, the allowance under paragraph (1)(B) with respect to natural gas produced during the taxable year from each property in the United States shall be that amount which bears the same ratio to the amount of depletion which would have been allowable under section 613(a) for all of the taxpayers natural gas produced from such property during the taxable year (computed as if section 613 applied to all of such production at the rate specified in paragraph (5) or (6), as the case may be) as the amount of his depletable natural gas quantity in cubic feet bears to the aggregate number of cubic feet representing the average daily production of domestic natural gas of the taxpayer for such year.

"(C) TAXABLE INCOME FROM THE PROPERTY.—If both oil and gas are produced from the property during the taxable year, for purposes of subparagraphs (A) and (B) the taxable income from the property, in applying the 50-percent limitation in section 613(a), shall be allocated between the oil production and the gas production in proportion to the gross income during the taxable year from each.

"(D) PARTNERSHIPS.—In the case of a partnership, the depletion allowance in the case of oil and gas wells to which this subsection applies shall be computed separately by the partners and not by the partnership.

"(E) SECONDARY OR TERTIARY PRODUCTION.—If the taxpayer has production from secondary or tertiary recovery processes during the taxable year, this paragraph (under regulations prescribed by the Secretary or his delegate) shall be applied separately with respect to such production.

"(8) BUSINESSES UNDER COMMON CONTROL; MEMBERS OF THE SAME FAMILY.—

"(A) COMPONENT MEMBERS OF CONTROLLED GROUP TREATED AS ONE TAXPAYER.—For purposes of this subsection, persons who are members of the same controlled group of corporations shall be treated as one taxpayer.

"(B) AGGREGATION OF BUSINESS ENTITIES UNDER COMMON CONTROL.—If 50 percent or more of the beneficial interest in two or more corporations, trusts, or estates is owned by the same or related persons (taking into account only persons who own at least 5 percent of such beneficial interest), the tentative quantity determined under the table in paragraph (3)(B) shall be allocated among all such entities in proportion to the respective production of domestic crude oil during the period in question by such entities.

"(C) ALLOCATION AMONG MEMBERS OF THE SAME FAMILY.—In the case of individuals who are members of the same family, the tentative quantity determined under the table in paragraph (3)(B) shall be allocated among such individuals in proportion to the respective production of domestic crude oil during the period in question by such individuals.

"(D) DEFINITION AND SPECIAL RULES.—For purposes of this paragraph—

"(i) the term 'controlled group of corporations' has the meaning given to such term by section 1563(a), except that section 1563(b)(2) shall not apply and except that 'more than 50 percent' shall be substituted for 'at least 80 percent' each place it appears in section 1563(a), 26 USC 1563.

"(ii) a person is a related person to another person if such persons are members of the same controlled group of corporations or if the relationship between such persons would result in a disallowance of losses under section 267 or 707(b), except that for this purpose the family of an individual includes only his spouse and minor children, 26 USC 267, 707.

"(iii) the family of an individual includes only his spouse and minor children, and

"(iv) each 6,000 cubic feet of domestic natural gas shall be treated as 1 barrel of domestic crude oil.

"(9) TRANSFER OF OIL OR GAS PROPERTY.—

"(A) In the case of a transfer (including the subleasing of a lease) after December 31, 1974 of an interest (including an interest in a partnership or trust) in any proven oil or gas property, paragraph (1) shall not apply to the transferee (or sublessee) with respect to production of crude oil or natural gas attributable to such interest, and such production shall not be taken into account for any computation by the transferee (or sublessee) under this subsection. A property shall be treated as a proven oil or gas property if at the time of the transfer the principal value of the property has been demonstrated by prospecting or exploration or discovery work.

"(B) Subparagraph (A) shall not apply in the case of—

"(i) a transfer of property at death, or

"(ii) the transfer in an exchange to which section 351 applies if following the exchange the tentative quantity 26 USC 351.

determined under the table contained in paragraph (3)(B) is allocated under paragraph (8) between the transferor and transferee.

"(10) SPECIAL RULE FOR FISCAL YEAR TAXPAYERS.—In applying this subsection to a taxable year which is not a calendar year, each portion of such taxable year which occurs during a single calendar year shall be treated as if it were a short taxable year.

"(11) CERTAIN PRODUCTION NOT TAKEN INTO ACCOUNT.—In applying this subsection, there shall not be taken into account the production of natural gas with respect to which subsection (b) applies.

"(d) LIMITATIONS ON APPLICATION OF SUBSECTION (c).—

"(1) LIMITATION BASED ON TAXABLE INCOME.—The deduction for the taxable year attributable to the application of subsection (c) shall not exceed 65 percent of the taxpayer's taxable income for the year computed without regard to—

"(A) depletion with respect to production of oil and gas subject to the provisions of subsection (c),

"(B) any net operating loss carryback to the taxable year under section 172, and

26 USC 172.

"(C) any capital loss carryback to the taxable year under section 1212.

26 USC 1212.

If an amount is disallowed as a deduction for the taxable year by reason of application of the preceding sentence, the disallowed amount shall be treated as an amount allowable as a deduction under subsection (c) for the following taxable year, subject to the application of the preceding sentence to such taxable year. For purposes of basis adjustments and determining whether cost depletion exceeds percentage depletion with respect to the production from a property, any amount disallowed as a deduction on the application of this paragraph shall be allocated to the respective properties from which the oil or gas was produced in proportion to the percentage depletion otherwise allowable to such properties under subsection (c).

"(2) RETAILERS EXCLUDED.—Subsection (c) shall not apply in the case of any taxpayer who directly, or through a related person, sells oil or natural gas, or any product derived from oil or natural gas—

"(A) through any retail outlet operated by the taxpayer or a related person, or

"(B) to any person—

"(i) obligated under an agreement or contract with the taxpayer or a related person to use a trademark, trade name, or service mark or name owned by such taxpayer or a related person, in marketing or distributing oil or natural gas or any product derived from oil or natural gas, or

"(ii) given authority, pursuant to an agreement or contract with the taxpayer or a related person, to occupy any retail outlet owned, leased, or in any way controlled by the taxpayer or a related person.

"(3) RELATED PERSON.—For purposes of this subsection, a person is a related person with respect to the taxpayer if a significant ownership interest in either the taxpayer or such person is held by the other, or if a third person has a significant ownership interest in both the taxpayer and such person. For purposes of the

preceding sentence, the term 'significant ownership interest' means— "Significant ownership interest."

"(A) with respect to any corporation, 5 percent or more in value of the outstanding stock of such corporation,

"(B) with respect to a partnership, 5 percent or more interest in the profits or capital of such partnership, and

"(C) with respect to an estate or trust, 5 percent or more of the beneficial interests in such estate or trust.

"(4) CERTAIN REFINERS EXCLUDED.—If the taxpayer or a related person engages in the refining of crude oil, subsection (c) shall not apply to such taxpayer if on any day during the taxable year the refinery runs of the taxpayer and such person exceed 50,000 barrels.

"(e) DEFINITIONS.—For purposes of this section—

"(1) CRUDE OIL.—The term 'crude oil' includes a natural gas liquid recovered from a gas well in lease separators or field facilities.

"(2) NATURAL GAS.—The term 'natural gas' means any product (other than crude oil) of an oil or gas well if a deduction for depletion is allowable under section 611 with respect to such product. 26 USC 611.

"(3) DOMESTIC.—The term 'domestic' refers to production from an oil or gas well located in the United States or in a possession of the United States.

"(4) BARREL.—The term 'barrel' means 42 United States gallons."

(b) TECHNICAL AMENDMENTS.—

(1) Section 613(d) (relating to percentage depletion) is amended to read as follows: 26 USC 613.

"(d) DENIAL OF PERCENTAGE DEPLETION IN CASE OF OIL AND GAS WELLS.—Except as provided in section 613A, in the case of any oil or gas well, the allowance for depletion shall be computed without reference to this section." *Ante*, p. 47.

(2) Section 613(b) is amended—

(A) by striking out subparagraph (A) of paragraph (1) and redesignating subparagraphs (B) and (C) as subparagraphs (A) and (B), respectively,

(B) by striking out "(1)(C)" each place it appears in paragraphs (3), (4), and (7) and inserting in lieu thereof "(1)(B)", and

(C) by amending the last sentence of paragraph (7)—

(i) by striking out "or" at the end of clause (A),

(ii) by striking out the period at the end of clause (B) and inserting in lieu thereof "; or", and

(iii) by adding at the end thereof the following new clause:

"(C) oil and gas wells."

(3) Section 703(a)(2) (relating to deductions not allowable to a partnership) is amended by striking out "and" at the end of subparagraph (E), by striking out the period at the end of subparagraph (F) and inserting in lieu ", and", and by adding at the end thereof the following new subparagraph: 26 USC 703.

"(G) the deduction for depletion under section 611 with respect to oil and gas production subject to the provisions of section 613A(c)."

(c) EFFECTIVE DATES.—The amendments made by this section shall take effect on January 1, 1975, and shall apply to taxable years ending after December 31, 1974. 26 USC 613A note.

TITLE VI—TAXATION OF FOREIGN OIL AND GAS AND OTHER FOREIGN INCOME

SEC. 601. LIMITATIONS ON FOREIGN TAX CREDIT FOR TAXES PAID IN CONNECTION WITH FOREIGN OIL AND GAS INCOME.

(a) IN GENERAL.—Subpart A of part III of subchapter N of chapter 1 (relating to foreign tax credit) is amended by adding at the end thereof the following new section:

26 USC 907. "SEC. 907. SPECIAL RULES IN CASE OF FOREIGN OIL AND GAS INCOME.

"(a) REDUCTION IN AMOUNT ALLOWED AS FOREIGN TAX UNDER SECTION 901.—In applying section 901, the amount of any income, war profits, and excess profits taxes paid or accrued (or deemed to have been paid) during the taxable year with respect to foreign oil and gas extraction income which would (but for this subsection) be taken into account for purposes of section 901 shall be reduced by the amount (if any) by which the amount of such taxes exceeds the product of—

"(1) the amount of the foreign oil and gas extraction income for the taxable year, multiplied by

"(2) the percentage which is—

"(A) in taxable years ending in 1975, 110 percent of,

"(B) in taxable years ending in 1976, 105 percent of, and

"(C) in taxable years ending after 1976, 2 percentage points above,

the sum of the normal tax rate and the surtax rate for the taxable year specified in section 11.

26 USC 11.

26 USC 904. "(b) APPLICATION OF SECTION 904 LIMITATION.—The provisions of section 904 shall be applied separately with respect to—

"(1) foreign oil related income, and

"(2) other taxable income.

With respect to foreign oil related income, the overall limitation provided by section 904(a)(2) shall apply and the per-country limitation provided by section 904(a)(1) shall not apply.

"(c) FOREIGN INCOME DEFINITIONS AND SPECIAL RULES.—For purposes of this section—

"(1) FOREIGN OIL AND GAS EXTRACTION INCOME.—The term 'foreign oil and gas extraction income' means the taxable income derived from sources without the United States and its possessions from—

"(A) the extraction (by the taxpayer or any other person) of minerals from oil or gas wells, or

"(B) the sale or exchange of assets used by the taxpayer in the trade or business described in subparagraph (A).

"(2) FOREIGN OIL RELATED INCOME.—The term 'foreign oil related income' means the taxable income derived from sources outside the United States and its possessions from—

"(A) the extraction (by the taxpayer or any other person) of minerals from oil or gas wells,

"(B) the processing of such minerals into their primary products,

"(C) the transportation of such minerals or primary products,

"(D) the distribution or sale of such minerals or primary products, or

"(E) the sale or exchange of assets used by the taxpayer in the trade or business described in subparagraph (A), (B), (C), or (D).

"(3) DIVIDENDS, INTEREST, PARTNERSHIP DISTRIBUTION, ETC.—The term 'foreign oil and gas extraction income' and the term 'foreign oil related income' include—

"(A) dividends and interest from a foreign corporation in respect of which taxes are deemed paid by the taxpayer under section 902, 26 USC 902.

"(B) dividends from a domestic corporation which are treated under section 861(a)(2)(A) as income from sources without the United States, 26 USC 861.

"(C) amounts with respect to which taxes are deemed paid under section 960(a), and 26 USC 960.

"(D) the taxpayer's distributive share of the income of partnerships.

to the extent such dividends, interest, amounts, or distributive share is attributable to foreign oil and gas extraction income, or to foreign oil related income, as the case may be; except that interest described in subparagraph (A) and dividends described in subparagraph (B) shall not be taken into account in computing foreign oil and gas extraction income but shall be taken into account in computing foreign oil-related income.

"(4) CERTAIN LOSSES.—If for any foreign country for any taxable year the taxpayer would have a net operating loss if only items from sources within such country (including deductions properly apportioned or allocated thereto) which relate to the extraction of minerals from oil or gas wells were taken into account, such items—

"(A) shall not be taken into account in computing foreign oil and gas extraction income for such year, but

"(B) shall be taken into account in computing foreign oil related income for such year.

"(d) DISREGARD OF CERTAIN POSTED PRICES, ETC.—For purposes of this chapter, in determining the amount of taxable income in the case of foreign oil and gas extraction income, if the oil or gas is disposed of, or is acquired other than from the government of a foreign country, at a posted price (or other pricing arrangement) which differs from the fair market value for such oil or gas, such fair market value shall be used in lieu of such posted price (or other pricing arrangement).

"(e) TRANSITIONAL RULES.—

"(1) TAXABLE YEARS ENDING AFTER DECEMBER 31, 1974.—In applying subsections (d) and (e) of section 904 for purposes of determining the amount which may be carried over from a taxable year ending before January 1, 1975, to any taxable year ending after December 31, 1974— 26 USC 904.

"(A) subsection (a) of this section shall be deemed to have been in effect for such prior taxable year and for all taxable years thereafter, and

"(B) the carryover from such prior year shall be divided (effective as of the first day of the first taxable year ending after December 31, 1974) into—

"(i) a foreign oil related carryover, and

"(ii) another carryover,

on the basis of the proportionate share of the foreign oil related income, or the other taxable income, as the case may be, of the total taxable income taken into account in computing the amount of such carryover.

"(2) TAXABLE YEARS ENDING AFTER DECEMBER 31, 1975.—In applying subsections (d) and (e) of section 904 for purposes of determining the amount which may be carried over from a tax-

able year ending before January 1, 1976, to any taxable year ending after December 31, 1975, if the per-country limitation provided by section 904(a)(1) applied to such prior taxable year and to the taxpayer's last taxable year ending before January 1, 1976, then in the case of any foreign oil related carryover—

26 USC 904.

"(A) the first sentence of section 904(e)(2) shall not apply, but

"(B) such amount may not exceed the amount which could have been used in such succeeding taxable year if the per-country limitation continued to apply.

"(f) RECAPTURE OF FOREIGN OIL RELATED LOSS.—

"(1) GENERAL RULE.—For purposes of this subpart, in the case of any taxpayer who sustains a foreign oil related loss for any taxable year—

"(A) that portion of the foreign oil related income for each succeeding taxable year which is equal to the lesser of—

"(i) the amount of such loss (to the extent not used under this paragraph in prior years), or

"(ii) 50 percent of the foreign oil related income for such succeeding taxable year,

shall be treated as income from sources within the United States (and not as income from sources without the United States), and

"(B) the amount of the income, war profits, and excess profits taxes paid or accrued (or deemed to have been paid) to a foreign country for such succeeding taxable year with respect to foreign oil related income shall be reduced by an amount which bears the same proportion to the total amount of such foreign taxes as the amount treated as income from sources within the United States under subparagraph (A) bears to the total foreign oil related income for such succeeding taxable year.

For purposes of this chapter, the amount of any foreign taxes for which credit is denied under subparagraph (B) of the preceding sentence shall not be allowed as a deduction for any taxable year. For purposes of this subsection, foreign oil related income shall be determined without regard to this subsection.

"(2) FOREIGN OIL RELATED LOSS DEFINED.—For purposes of this subsection, the term 'foreign oil related loss' means the amount by which the gross income for the taxable year from sources without the United States and its possessions (whether or not the taxpayer chooses the benefits of this subpart for such taxable year) taken into account in determining the foreign oil related income for such year is exceeded by the sum of the deductions properly apportioned or allocated thereto, except that there shall not be taken into account—

"(A) any net operating loss deduction allowable for such year under section 172(a) or any capital loss carrybacks and carryovers to such year under section 1212, and

26 USC 172.
26 USC 1212.

"(B) any—

"(i) foreign expropriation loss for such year, as defined in section 172(k)(1), or

"(ii) loss for such year which arises from fire, storm, shipwreck, or other casualty, or from theft,

to the extent such loss is not compensated for by insurance or otherwise.

"(3) DISPOSITIONS.—

"(A) IN GENERAL.—For purposes of this chapter, if property used in a trade or business described in subparagraph

(A), (B), (C), or (D) of subsection (c)(2) is disposed of during any taxable year—

"(i) the taxpayer notwithstanding any other provision of this chapter (other than paragraph (1)) shall be deemed to have received and recognized foreign oil related income in the taxable year of the disposition, by reason of such disposition, in an amount equal to the lesser of the excess of the fair market value of such property over the taxpayer's adjusted basis in such property or the remaining amount of the foreign oil related losses which were not used under paragraph (1) for such taxable year or any prior taxable year, and

"(ii) paragraph (1) shall be applied with respect to such income by substituting '100 percent' for '50 percent'.

"(B) DISPOSITION DEFINED.—For purposes of this subsection, the term 'disposition' includes a sale, exchange, distribution, or gift of property, whether or not gain or loss is recognized on the transfer.

"(C) EXCEPTIONS.—Notwithstanding subparagraph (B), the term 'disposition' does not include—

"(i) a disposition of property which is not a material factor in the realization of income by the taxpayer, or

"(ii) a disposition of property to a domestic corporation in a distribution or transfer described in section 381(a). 26 USC 381.

"(g) WESTERN HEMISPHERE TRADE CORPORATIONS WHICH ARE MEMBERS OF AN AFFILIATED GROUP.—If a Western Hemisphere trade corporation is a member of an affiliated group for the taxable year, then in applying section 901, the amount of any income, war profits, and excess profits taxes paid or accrued (or deemed to have been paid) during the taxable year with respect to foreign oil and gas extraction income which would (but for this section and section 1503(b)) be taken into account for purposes of section 901 shall be reduced by the greater of— 26 USC 901. 26 USC 1503.

"(1) the reduction with respect to such taxes provided by subsection (a) of this section, or

"(2) the reduction determined under section 1503(b) by applying section 1503(b) separately with respect to such taxes, but not by both such reductions."

(b) CERTAIN PAYMENTS NOT TO BE CONSIDERED AS TAXES.—Section 901 is amended by redesignating subsection (f) as subsection (g), and by adding after subsection (e) the following new subsection:

"(f) CERTAIN PAYMENTS FOR OIL OR GAS NOT CONSIDERED AS TAXES.—Notwithstanding subsection (b) and sections 902 and 960, the amount of any income, or profits, and excess profits taxes paid or accrued during the taxable year to any foreign country in connection with the purchase and sale of oil or gas extracted in such country is not to be considered as tax for purposes of section 275(a) and this section if— 26 USC 902, 960. 26 USC 275.

"(1) the taxpayer has no economic interest in the oil or gas to which section 611(a) applies, and 26 USC 611.

"(2) either such purchase or sale is at a price which differs from the fair market value for such oil or gas at the time of such purchase or sale."

(c) CLERICAL AMENDMENT.—The table of sections for subpart A of part III of subchapter N of chapter 1 is amended by adding at the end thereof the following new item:

"Sec. 907. Special rules in case of foreign oil and gas income."

26 USC 907 note.

(d) EFFECTIVE DATES.—The amendments made by this section shall apply to taxable years ending after December 31, 1974; except that—

(1) the second sentence of section 907(b) shall apply to taxable years ending after December 31, 1975, and

Ante, p. 54.

(2) the provisions of section 907(f) shall apply to losses sustained in taxable years ending after December 31, 1975.

SEC. 602. TAXATION OF EARNINGS AND PROFITS OF CONTROLLED FOREIGN CORPORATIONS AND THEIR SHAREHOLDERS.

(a) REPEAL OF MINIMUM DISTRIBUTION EXCEPTION TO REQUIREMENT OF CURRENT TAXATION OF SUBPART F INCOME.—

26 USC 963.

(1) REPEAL OF MINIMUM DISTRIBUTION PROVISIONS.—Section 963 (relating to receipt of minimum distributions by domestic corporations) is hereby repealed.

(2) CERTAIN DISTRIBUTIONS BY CONTROLLED FOREIGN CORPORATIONS TO REGULATED INVESTMENT COMPANIES TREATED AS DIVIDENDS.—

26 USC 851.

Subsection (b) of section 851 (relating to limitations on definition of regulated investment company) is amended by adding at the end thereof the following new sentence:

"For purposes of paragraph (2), there shall be treated as dividends amounts included in gross income under section 951(a)(1)(A)(i) for the taxable year to the extent that, under section 959(a)(1), there is a distribution out of the earnings and profits of the taxable year which are attributable to the amounts so included."

26 USC 951.
26 USC 959.

(3) CONFORMING AMENDMENTS.—

(A) The table of sections for subpart F of part III of subchapter N of chapter 1 is amended by striking out the item relating to section 963.

(B) Subparagraph (A)(i) of section 951(a)(1) (relating to general rule for amounts included in gross income of United States shareholders) is amended by striking out "except as provided in section 963.".

(b) LIMITATION ON DEFINITION OF FOREIGN BASE COMPANY SALES INCOME.—Paragraph (1) of section 954(d) (relating to definition of foreign base company sales income) is amended by adding at the end thereof the following new sentence: "For purposes of this subsection, personal property does not include agricultural commodities which are not grown in the United States in commercially marketable quantities."

26 USC 954.

(c) REPEAL OF EXCEPTION TO REQUIREMENT OF CURRENT TAXATION OF SUBPART F INCOME FOR REINVESTMENT IN LESS DEVELOPED COUNTRIES.—

(1) REPEAL OF SECTION 954(b)(1).—Paragraph (1) of subsection (b) of section 954 (relating to exclusions and special rules regarding foreign base company income) is hereby repealed.

(2) REPEAL OF SECTION 954(f).—Subsection (f) of section 954 (relating to increase in qualified investments in less developed countries) is hereby repealed.

(3) AMENDMENT OF SECTION 951(a)(1)(A)(ii).—Clause (ii) of section 951(a)(1)(A) is amended by striking out "(determined under section 955(a)(3))" and inserting in lieu thereof "(determined under section 955(a)(3) as in effect before the enactment of the Tax Reduction Act of 1975)".

26 USC 955.

(4) REPEAL OF SECTION 951(a)(3).—Paragraph (3) of section 951(a) (relating to limitation on pro rata share of previously excluded subpart F income withdrawn from investment) is hereby repealed.

(5) REPEAL OF SECTION 955.—Section 955 (relating to withdrawal of previously excluded subpart F income from qualified investment) is hereby repealed. 26 USC 955.

(6) LESS DEVELOPED COUNTRY CORPORATION DEFINED.—Subsection (d) of section 902 is amended to read as follows: 26 USC 902.

"(d) LESS DEVELOPED COUNTRY CORPORATION DEFINED.—For purposes of this section, the term 'less developed country corporation' means—

"(1) a foreign corporation which, for its taxable year, is a less developed country corporation within the meaning of paragraph (3) or (4), and

"(2) a foreign corporation which owns 10 percent or more of the total combined voting power of all classes of stock entitled to vote of a foreign corporation which is a less developed country corporation within the meaning of paragraph (3), and—

"(A) 80 percent or more of the gross income of which for its taxable year meets the requirement of paragraph (3)(A), and

"(B) 80 percent or more in value of the assets of which on each day of such year consists of property described in paragraph (3)(B).

A foreign corporation which is a less developed country corporation for its first taxable year beginning after December 31, 1962, shall, for purposes of this section, be treated as having been a less developed country corporation for each of its taxable years beginning before January 1, 1963.

"(3) The term 'less developed country corporation' means a foreign corporation which during the taxable year is engaged in the active conduct of one or more trades or businesses and—

"(A) 80 percent or more of the gross income of which for the taxable year is derived from sources within less developed countries; and

"(B) 80 percent or more in value of the assets of which on each day of the taxable year consists of—

"(i) property used in such trades or businesses and located in less developed countries,

"(ii) money, and deposits with persons carrying on the banking business,

"(iii) stock, and obligations which, at the time of their acquisition, have a maturity of one year or more, of any other less developed country corporation,

"(iv) an obligation of a less developed country,

"(v) an investment which is required because of restrictions imposed by a less developed country, and

"(vi) property described in section 956(b)(2). 26 USC 956.

For purposes of subparagraph (A), the determination as to whether income is derived from sources within less developed countries shall be made under regulations prescribed by the Secretary or his delegate.

"(4) The term 'less developed country corporation' also means a foreign corporation—

"(A) 80 percent or more of the gross income of which for the taxable year consists of—

"(i) gross income derived from, or in connection with, the using (or hiring or leasing for use) in foreign commerce of aircraft or vessels registered under the laws of a less developed country, or from, or in connection with, the performance of services directly related to use of

such aircraft or vessels, or from the sale or exchange of such aircraft or vessels, and

"(ii) dividends and interest received from foreign corporations which are less developed country corporations within the meaning of this paragraph and 10 percent or more of the total combined voting power of all classes of stock of which are owned by the foreign corporation, and gain from the sale or exchange of stock or obligations of foreign corporations which are such less developed country corporations, and

"(B) 80 percent or more of the assets of which on each day of the taxable year consists of (i) assets used, or held for use, for or in connection with the production of income described in subparagraph (A), and (ii) property described in section 956(b)(2).

26 USC 956.

"Less developed country."

"(5) The term 'less developed country' means (in respect to any foreign corporation) any foreign country (other than an area within the Sino-Soviet bloc) or any possession of the United States with respect to which, on the first day of the taxable year, there is in effect an Executive order by the President of the United States designating such country or possession as an economically less developed country for purposes of this section. For purposes of the preceding sentence, an overseas territory, department, province, or possession may be treated as a separate country. No designation shall be made under this paragraph with respect to—

Australia	Luxembourg
Austria	Monaco
Belgium	Netherlands
Canada	New Zealand
Denmark	Norway
France	Union of South Africa
Germany (Federal Republic)	San Marino
Hong Kong	Sweden
Italy	Switzerland
Japan	United Kingdom
Liechtenstein	

After the President has designated any foreign country or any possession of the United States as an economically less developed country for purposes of this section, he shall not terminate such designation (either by issuing an Executive order for that purpose or by issuing an Executive order under the first sentence of this paragraph which has the effect of terminating such designation) unless, at least 30 days prior to such termination, he has notified the Senate and the House of Representatives of his intention to terminate such designation. Any designation in effect on March 26, 1975, under section 955(c)(3) (as in effect before the enactment of the Tax Reduction Act of 1975) shall be treated as made under this paragraph."

26 USC 955.

(7) CLERICAL AMENDMENT.—The table of sections for subpart F of part III of subchapter N of chapter 1 is amended by striking out the item relating to section 955.

(d) SHIPPING PROFITS OF CONTROLLED FOREIGN CORPORATION TO BE TAXED CURRENTLY EXCEPT TO EXTENT REINVESTED IN SHIPPING OPERATIONS—

(1) SHIPPING PROFITS INCLUDED IN GROSS INCOME OF UNITED STATES SHAREHOLDERS.—

26 USC 954.

(A) Section 954(a) (relating to foreign base company income) is amended by striking out "and" at the end of para-

graph (2), by striking out the period at the end of paragraph (3) and inserting in lieu thereof ", and", and by adding at the end thereof the following new paragraph:

"(4) the foreign base company shipping income for the taxable year (determined under subsection (f) and reduced as provided in subsection (b)(5))."

(B) Paragraph (2) of section 954(b) is amended to read as follows: 26 USC 954.

"(2) EXCLUSION FOR REINVESTED SHIPPING INCOME.—For purposes of subsection (a), foreign base company income does not include foreign base company shipping income to the extent that the amount of such income does not exceed the increase for the taxable year in qualified investments in foreign base company shipping operations of the controlled foreign corporation (as determined under subsection (g))."

(C) Subparagraphs (A) and (B) of section 954(b)(3) are each amended by striking out "paragraphs (1) and (5)" and inserting in lieu thereof "paragraphs (2) and (5)".

(D) Subparagraph (B) of section 954(b)(3) is amended by striking out "paragraphs (1), (2)," and inserting in lieu thereof "paragraph (2),".

(E) Paragraph (5) of section 954(b) is amended by striking out "and the foreign base company services income" and inserting in lieu thereof "the foreign base company services income, and the foreign base company shipping income".

(F) Section 954(b) is amended by adding at the end thereof the following new paragraph:

"(6) SPECIAL RULES FOR FOREIGN BASE COMPANY SHIPPING INCOME.—Income of a corporation which is foreign base company shipping income under paragraph (4) of subsection (a) (determined without regard to the exclusion under paragraph (2) of this subsection)—

"(A) shall not be considered foreign base company income of such corporation under any other paragraph of subsection (a) and

"(B) if distributed through a chain of ownership described under section 958(a), shall not be included in foreign base company income of another controlled foreign corporation in such chain." 26 USC 958.

(G) Section 954 is amended by adding at the end thereof the following new subsections:

"(f) FOREIGN BASE COMPANY SHIPPING INCOME.—For purposes of subsection (a)(4), the term 'foreign base company shipping income' means income derived from, or in connection with, the use (or hiring or leasing for use) of any aircraft or vessel in foreign commerce, or from, or in connection with, the performance of services directly related to the use of any such aircraft, or vessel, or from the sale, exchange, or other disposition of any such aircraft or vessel. Such term includes, but is not limited to—

"(1) dividends and interest received from a foreign corporation in respect of which taxes are deemed paid under section 902, and gain from the sale, exchange, or other disposition of stock or obligations of such a foreign corporation to the extent that such dividends, interest, and gains are attributable to foreign base company shipping income, and 26 USC 902.

"(2) that portion of the distributive share of the income of a partnership attributable to foreign base company shipping income.

"(g) INCREASE IN QUALIFIED INVESTMENTS IN FOREIGN BASE COMPANY SHIPPING OPERATIONS.—For purposes of subsection (b)(2), the increase for any taxable year in qualified investments in foreign base company shipping operations of any controlled foreign corporation is the amount by which—

"(1) the qualified investments in foreign base company shipping operations (as defined in section 955(b)) of the controlled foreign corporation at the close of the taxable year, exceed

Infra.

"(2) the qualified investments in foreign base company shipping operations (as so defined) of the controlled foreign corporation at the close of the preceding taxable year."

(2) AMOUNTS INCLUDED IN GROSS INCOME OF UNITED STATES SHAREHOLDERS.—

Ante, p. 58.

(A) Subparagraph (A) of section 951(a)(1) is amended by striking out "and" at the end of clause (i), by striking out the semicolon at the end of clause (ii) and inserting in lieu thereof a comma, and by adding at the end thereof the following new clause:

"(iii) his pro rata share (determined under section 955(a)(3)) of the corporation's previously excluded subpart F income withdrawn from foreign base company shipping operations for such year; and".

(B) Section 951(a) is amended by inserting after paragraph (2) the following new paragraph:

"(3) LIMITATION ON PRO RATA SHARE OF PREVIOUSLY EXCLUDED SUBPART F INCOME WITHDRAWN FROM INVESTMENT.—For purposes of paragraph (1)(A)(iii), the pro rata share of any United States shareholder of the previously excluded subpart F income of a controlled foreign corporation withdrawn from investment in foreign base company shipping operations shall not exceed an amount—

"(A) which bears the same ratio to his pro rata share of such income withdrawn (as determined under section 955(a)(3)) for the taxable year, as

"(B) the part of such year during which the corporation is a controlled foreign corporation bears to the entire year."

(3) WITHDRAWAL OF PREVIOUSLY EXCLUDED SUBPART F INCOME FROM QUALIFIED INVESTMENT.—

(A) Subpart F of part III of subchapter N of chapter 1 is amended by inserting after section 954 the following new section:

26 USC 955.

"SEC. 955. WITHDRAWAL OF PREVIOUSLY EXCLUDED SUBPART F INCOME FROM QUALIFIED INVESTMENT.

"(a) GENERAL RULES.—

"(1) AMOUNT WITHDRAWN.—For purposes of this subpart, the amount of previously excluded subpart F income of any controlled foreign corporation withdrawn from investment in foreign base company shipping operations for any taxable year is an amount equal to the decrease in the amount of qualified investments in foreign base company shipping operations of the controlled foreign corporation for such year, but only to the extent that the amount of such decrease does not exceed an amount equal to—

"(A) the sum of the amounts excluded under section 954(b)(2) from the foreign base company income of such corporation for all prior taxable years, reduced by

Ante, p. 61.

"(B) the sum of the amounts of previously excluded subpart F income withdrawn from investment in foreign base

company shipping operations of such corporation determined under this subsection for all prior taxable years.

"(2) DECREASE IN QUALIFIED INVESTMENTS.—For purposes of paragraph (1), the amount of the decrease in qualified investments in foreign base company shipping operations of any controlled foreign corporation for any taxable year is the amount by which—

"(A) the amount of qualified investments in foreign base company shipping operations of the controlled foreign corporation at the close of the preceding taxable year, exceeds

"(B) the amount of qualified investments in foreign base company shipping operations of the controlled foreign corporation at the close of the taxable year,

to the extent that the amount of such decrease does not exceed the sum of the earnings and profits for the taxable year and the earnings and profits accumulated for prior taxable years beginning after December 31, 1975, and the amount of previously excluded subpart F income invested in less developed country corporations described in section 955(c)(2) (as in effect before the enactment of the Tax Reduction Act of 1975) to the extent attributable to earnings and profits accumulated for taxable years beginning after December 31, 1962. For purposes of this paragraph, if qualified investments in foreign base company shipping operations are disposed of by the controlled foreign corporation during the taxable year, the amount of the decrease in qualified investments in foreign base company shipping operations of such controlled foreign corporation for such year shall be reduced by an amount equal to the amount (if any) by which the losses on such dispositions during such year exceed the gains on such dispositions during such year.

Ante, p. 59.

"(3) PRO RATA SHARE OF AMOUNT WITHDRAWN.—In the case of any United States shareholder, the pro rata share of the amount of previously excluded subpart F income of any controlled foreign corporation withdrawn from investment in foreign base company shipping operations for any taxable year is his pro rata share of the amount determined under paragraph (1).

"(b) QUALIFIED INVESTMENTS IN FOREIGN BASE COMPANY SHIPPING OPERATIONS.—

"(1) IN GENERAL.—For purposes of this subpart, the term 'qualified investments in foreign base company shipping operations' means investments in—

"(A) any aircraft or vessel used in foreign commerce, and

"(B) other assets which are used in connection with the performance of services directly related to the use of any such aircraft or vessel.

Such term includes, but is not limited to, investments by a controlled foreign corporation in stock or obligations of another controlled foreign corporation which is a related person (within the meaning of section 954(d)(3)) and which holds assets described in the preceding sentence, but only to the extent that such assets are so used.

26 USC 954.

"(2) QUALIFIED INVESTMENTS BY RELATED PERSONS.—For purposes of determining the amount of qualified investments in foreign base company shipping operations, an investment (or a decrease in investment) in such operations by one or more controlled foreign corporations may, under regulations prescribed by the Secretary or his delegate, be treated as an investment (or a decrease in investment) by another corporation which is a controlled foreign corporation and is a related person (as defined

26 USC 954. in section 954(d)(3)) with respect to the corporation actually making or withdrawing the investment.

"(3) SPECIAL RULE.—For purposes of this subpart, a United States shareholder of a controlled foreign corporation may, under regulations prescribed by the Secretary or his delegate, elect to make the determinations under subsection (a)(2) of this section and under subsection (g) of section 954 as of the close of the years following the years referred to in such subsections, or as of the close of such longer period of time as such regulations may permit, in lieu of on the last day of such years. Any election under this paragraph made with respect to any taxable year shall apply to such year and to all succeeding taxable years unless the Secretary or his delegate consents to the revocation of such election.

Ante, p. 61.

"(4) AMOUNT ATTRIBUTABLE TO PROPERTY.—The amount taken into account under this subpart with respect to any property described in paragraph (1) shall be its adjusted basis, reduced by any liability to which such property is subject.

"(5) INCOME EXCLUDED UNDER PRIOR LAW.—Amounts invested in less developed country corporations described in section 955(c)(2) (as in effect before the enactment of the Tax Reduction Act of 1975) shall be treated as qualified investments in foreign base company shipping operations and shall not be treated as investments in less developed countries for purposes of section 951(a)(1)(A)(ii)."

26 USC 955.

Ante, p. 58.

(B) The table of sections of subpart F of part III of subchapter N of chapter 1 is amended by inserting after the item relating to section 954 the following new item:

"Sec. 955. Withdrawal of previously excluded subpart F income from qualified investment."

(e) EXCLUSION FROM FOREIGN BASE COMPANY INCOME WHERE FOREIGN BASE COMPANY INCOME IS LESS THAN 10 PERCENT OF GROSS INCOME.—Paragraph (3) of section 954(b) is amended by striking out "30 percent" each place it appears and inserting in lieu thereof "10 percent".

26 USC 955 note. (f) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years of foreign corporations beginning after December 31, 1975, and to taxable years of United States shareholders (within the meaning of 951(b) of the Internal Revenue Code of 1954) within which or with which such taxable years of such foreign corporations end.

SEC. 603. DENIAL OF DISC BENEFITS WITH RESPECT TO ENERGY RESOURCES AND OTHER PRODUCTS.

26 USC 993. (a) AMENDMENT OF SECTION 993(c)(2).—Section 993(c)(2) (relating to property excluded from export property) is amended by striking out "or" at the end of subparagraph (A), by striking out the period at the end of subparagraph (B) and inserting in lieu thereof ", or", and by adding at the end thereof the following:

"(C) products of a character with respect to which a deduction for depletion is allowable (including oil, gas, coal, or uranium products) under section 611, or

26 USC 611.

"(D) products the export of which is prohibited or curtailed under section 4(b) of the Export Administration Act of 1969 (50 U.S.C. App. 2403(b)) to effectuate the policy set forth in paragraph (2)(A) of section 3 of such Act (relating to the protection of the domestic economy).

50 USC app. 2402.

Subparagraph (C) shall not apply to any commodity or product at least 50 percent of the fair market value of which is attributable to manufacturing or processing, except that subparagraph (C) shall

apply to any primary product from oil, gas, coal, or uranium. For purposes of the preceding sentence, the term 'processing' does not include extracting or handling, packing, packaging, grading, storing, or transporting."

(b) EFFECTIVE DATE.—The amendments made by subsection (a) shall apply to sales, exchanges, and other dispositions made after March 18, 1975, in taxable years ending after such date. 26 USC 993 note.

SEC. 604. TREATMENT FOR PURPOSES OF THE INVESTMENT CREDIT OF CERTAIN PROPERTY USED IN INTERNATIONAL OR TERRITORIAL WATERS.

(a) AMENDMENT TO 1954 CODE.— 26 USC 1 *et seq.*

(1) IN GENERAL.—Clause (x) of section 48(a)(2)(B) (relating to property used outside the United States) is amended by striking out "territorial waters" and inserting in lieu thereof "territorial waters within the northern portion of the Western Hemisphere". 26 USC 48.

(2) DEFINITION.—Subparagraph (B) of section 48(a)(2) is amended by adding at the end thereof the following new sentence: "For purposes of clause (x), the term 'northern portion of the Western Hemisphere' means the area lying west of the 30th meridian west of Greenwich, east of the international dateline, and north of the Equator, but not including any foreign country which is a country of South America.".

(b) EFFECTIVE DATE.— 26 USC 48 note.

(1) IN GENERAL.—The amendments made by subsection (a) shall apply to property, the construction, reconstruction, or erection of which was completed after March 18, 1975, or the acquisition of which by the taxpayer occurred after such date.

(2) BINDING CONTRACT.—The amendments made by subsection (a) shall not apply to property constructed, reconstructed, erected, or acquired pursuant to a contract which was on April 1, 1974, and at all times thereafter, binding on the taxpayer.

(3) CERTAIN LEASE-BACK TRANSACTIONS, ETC.—Where a person who is a party to a binding contract described in paragraph (2) transfers rights in such contract (or in the property to which such contract relates) to another person but a party to such contract retains a right to use the property under a lease with such other person, then to the extent of the transferred rights such other person shall, for purposes of paragraph (2), succeed to the position of the transferor with respect to such binding contract and such property. The preceding sentence shall apply, in any case in which the lessor does not make an election under section 48(d) of the Internal Revenue Code of 1954, only if a party to such contract retains a right to use the property under a long-term lease.

TITLE VII—MISCELLANEOUS PROVISIONS

SEC. 701. CERTAIN UNEMPLOYMENT COMPENSATION.

(a) AMENDMENT OF EMERGENCY UNEMPLOYMENT COMPENSATION ACT OF 1974.—Section 102(e) of the Emergency Unemployment Compensation Act of 1974 is amended— 26 USC 3304 note.

(1) in paragraph (2) thereof, by striking out "The amount" and inserting in lieu thereof "Except as provided in paragraph (3), the amount"; and

(2) by adding at the end thereof the following new paragraph:

"(3) Effective only with respect to benefits for weeks of unemployment ending before July 1, 1975, the amount established in such account for any individual shall be equal to the lesser of—

"(A) 100 per centum of the total amount of regular compensation (including dependents' allowances) payable to him with respect to the benefit year (as determined under the State law) on the basis of which he most recently received regular compensation; or

"(B) twenty-six times his average weekly benefit amount (as determined for purposes of section 202(b)(1)(C) of the Federal-State Extended Unemployment Compensation Act of 1970) for his benefit year."

26 USC 3304 note

(b) MODIFICATION OF AGREEMENTS.—The Secretary of Labor shall, at the earliest practicable date after the enactment of this Act, propose to each State with which he has in effect an agreement entered into pursuant to section 102 of the Emergency Unemployment Compensation Act of 1974 a modification of such agreement designed to cause payments of emergency compensation thereunder to be made in the manner prescribed by such Act, as amended by subsection (a) of this section. Notwithstanding any provision of the Emergency Unemployment Compensation Act of 1974, if any such State shall fail or refuse, within a reasonable time after the date of the enactment of this Act, to enter into such a modification of such agreement, the Secretary of Labor shall terminate such agreement.

26 USC 3304 note.

26 USC 3304 note.

26 USC 3304 note.

42 USC 402 note.

SEC. 702. SPECIAL PAYMENT TO RECIPIENTS OF BENEFITS UNDER CERTAIN RETIREMENT AND SURVIVOR BENEFIT PROGRAMS.

(a) PAYMENT.—The Secretary of the Treasury shall, at the earliest practicable date after the enactment of this Act, make a $50 payment to each individual, who for the month of March, 1975, was entitled (without regard to sections 202(j)(1) and 223(b) of title II of the Social Security Act and without the application of section 5(a)(ii) of the Railroad Retirement Act of 1974) to—

42 USC 402, 423.

45 USC 231d.

42 USC 401.

(1) a monthly insurance benefit payable under title II of the Social Security Act,

45 USC 215 note.

45 USC 228a, 231.

(2) a monthly annuity or pension payment under the Railroad Retirement Act of 1935, the Railroad Retirement Act of 1937, or the Railroad Retirement Act of 1974, or

42 USC 1381.

(3) a benefit under the supplemental security income benefits program established by title XVI of the Social Security Act;

except that, (A) such $50 payment shall be made only to individuals who were paid a benefit for March 1975 in a check issued no later than August 31, 1975; (B) no such $50 payment shall be made to any individual who is not a resident of the United States (as defined in section 210(i) of the Social Security Act); and (C) if an individual is entitled under two or more of the programs referred to in clauses (1), (2), and (3), such individual shall be entitled to receive only one such $50 payment. For purposes of this subsection, the term "resident" means an individual whose address of record for check payment purposes is located within the United States.

42 USC 410.

"Resident."

(b) RECIPIENT IDENTIFICATION.—The Secretary of Health, Education, and Welfare and the Railroad Retirement Board shall provide the Secretary of the Treasury with such information and data as may be needed to enable the Secretary of the Treasury to ascertain which individuals are entitled to the payment authorized under subsection (a).

(c) COORDINATION WITH OTHER FEDERAL PROGRAMS.—Any payment made by the Secretary of the Treasury under this section to any individual shall not be regarded as income (or, in the calendar year 1975, as a resource) of such individual (or of the family of which he is a member) for purposes of any Federal or State program which undertakes to furnish aid or assistance to individuals or families, where eligibility to receive such aid or assistance (or the amount of such aid or assistance) under such program is based on the need therefor of the individual or family involved. The requirement imposed by the preceding sentence shall be treated as a condition for Federal financial participation in any State (or local) welfare program for any calendar quarter commencing after the date of enactment of this Act.

(d) APPROPRIATIONS AUTHORIZATION.—There are hereby authorized to be appropriated, out of any funds in the Treasury not otherwise appropriated, such sums as may be necessary to carry out the provisions of this section.

(e) PAYMENT NOT TO BE CONSIDERED INCOME.—Payments made under this section shall not be considered as gross income for purposes of the Internal Revenue Code of 1954. 26 USC 1 *et seq.*

Approved March 29, 1975.

LEGISLATIVE HISTORY:

HOUSE REPORT No. 94-19 (Comm. on Ways and Means).
SENATE REPORT No. 94-36 (Comm. on Finance).
CONGRESSIONAL RECORD, Vol. 121 (1975):
Feb. 27, considered and passed House.
Mar. 18-22, considered and passed Senate, amended.
Mar. 26, House and Senate agreed to conference report.
WEEKLY COMPILATION OF PRESIDENTIAL DOCUMENTS, Vol. 11, No. 14:
Mar. 29, Presidential statement.

Public Law 94–13
94th Congress

An Act

Apr. 8, 1975

[H.R. 2783]

To continue the national insurance development program.

National Insurance Development Act of 1975.
12 USC 1749bbb note.
12 USC 1749bbb note.
12 USC 1701t note.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "National Insurance Development Act of 1975".

SECTION 1. (a) The Congress finds that (1) under the Housing and Urban Development Act of 1968 (Public Law 90–448, approved August 1, 1968), as amended, the powers of the Secretary of the Department of Housing and Urban Development to enter into new reinsurance contracts with respect to the Federal riot reinsurance program and into new direct insurance contracts with respect to the Federal crime insurance program will terminate on April 30, 1975, except to the extent necessary (a) to continue policies of direct insurance and reinsurance, until April 30, 1978, (b) to handle claims and those arising under the policies still in force on the termination date of the program, and (c) to complete the liquidation and termination of the reinsurance and direct insurance programs; (2) continuation of the Federal riot reinsurance program is essential both to the operation of the system of State FAIR plans, which provide access for many people to basic property insurance not otherwise available in urban areas, and to the continued existence of such FAIR plans inasmuch as many State laws condition the very existence of such FAIR plans upon the continued existence of the Federal riot reinsurance program; (3) continuation of the Federal crime insurance program, which provides access for many homeowners, tenants, and small businessmen to burglary, robbery, and similar coverages, in States where an insurance coverage availability problem exists, is likewise essential; (4) withdrawal at this time of the Federal support which these programs give to the insurance buying public and the insurers would be particularly ill timed and inadvisable in view of the (a) threatening major shortage of voluntary insurance facilities to which the consumer can turn to fulfill his insurance purchase needs and (b) the potential for insurer insolvencies inherent in times of economic stress; and (5) the impending tightening of the availability of insurance coverage in the insurance market will only intensify due to the present economic conditions confronting insurers, which affect the capital adequacies of insurers due to severe declines in the values of insurers' securities portfolios, thus impacting on their ability to increase their underwritings in a growing insurance market.

(b) The purpose of this Act, therefore, is to extend the duration of the national insurance development program so as to maintain the Federal riot reinsurance program which reinsures the general property insurance business against the catastrophic peril of riot and, thus, makes this insurance available, together with its review and compliance function which assures that the intent of the Housing and Urban Development Act of 1968 (Public Law 90–448, approved August 1, 1968) as amended is carried out, as well as the Federal crime insurance program which provides basic crime insurance coverages in the States where it is needed, both of which programs aid the insurance purchasing consumer when, from time to time and especially in times such as

these, insurers engage in conscious policies of market constriction which lead to serious inner-city insurance availability problems of the kind the national insurance development program has been created to ameliorate.

ermination d te, xtension. 12 USC 1749bb.

SEC. 2. Section 1201(b)(1) of the National Housing Act is amended by striking out "April 30, 1975" and inserting in lieu thereof "April 30, 1977".

Approved April 8, 1975.

LEGISLATIVE HISTORY:

HOUSE REPORT No. 94–60 (Comm. on Banking, Currency and Housing).
CONGRESSIONAL RECORD, Vol. 121 (1975):
Mar. 18, considered and passed House.
Mar. 21, considered and passed Senate, amended.
Mar. 25, House concurred in Senate amendments.

Public Law 94-14
94th Congress

An Act

Apr. 8, 1975
[H.R. 3260]

To rescind certain budget authority recommended in the message of the President of November 26, 1974 (H. Doc. 93-398) and as those rescissions are modified by the message of the President of January 30, 1975 (H. Doc. 94-39) and in the communication of the Comptroller General of November 6, 1974 (H. Doc. 93-391), transmitted pursuant to the Impoundment Control Act of 1974.

Certain budget authority. Rescission.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the following rescissions of budget authority contained in the message of the President of November 26, 1974 (H. Doc. 93-398) and as those rescissions are modified by the message of the President of January 20, 1975 (H. Doc. 94-39) and in the communication of the Comptroller General of November 6, 1974 (H. Doc. 93-391), are made pursuant to the Impoundment Control Act of 1974, namely:

31 USC 1400 note.

CHAPTER I

DEPARTMENT OF AGRICULTURE

Agricultural Stabilization and Conservation Service

WATER BANK PROGRAM

Appropriations provided under this head in the Agriculture-Environmental and Consumer Protection Appropriation Acts for 1974 and 1975 are rescinded in the amount of $7,856,470.

87 Stat. 468.
88 Stat. 1822.

CHAPTER II

DEPARTMENT OF DEFENSE—MILITARY

Operation and Maintenance

OPERATION AND MAINTENANCE, ARMY

Appropriations provided under this head in the Department of Defense Appropriation Act, 1975, are rescinded in the amount of $20,500,000, to be derived from the sum provided only for the maintenance of real property facilities.

88 Stat. 1212.

OPERATION AND MAINTENANCE, NAVY

Appropriations provided under this head in the Department of Defense Appropriation Act, 1975, are rescinded in the amount of $13,750,000, to be derived from the sum provided only for the maintenance of real property facilities.

OPERATION AND MAINTENANCE, MARINE CORPS

Appropriations provided under this head in the Department of Defense Appropriation Act, 1975, are rescinded in the amount of $2,500,000, to be derived from the sum provided only for the maintenance of real property facilities.

OPERATION AND MAINTENANCE, AIR FORCE

Appropriations provided under this head in the Department of Defense Appropriation Act, 1975, are rescinded in the amount of $20,000,000, to be derived from the sum provided only for the maintenance of real property facilities. 88 Stat. 1212.

OPERATION AND MAINTENANCE, DEFENSE AGENCIES

Appropriations provided only for the maintenance of real property facilities under this head in the Department of Defense Appropriation Act, 1975, in the amount of $50,000 for the Defense Mapping Agency, in the amount of $500,000 for the Defense Supply Agency, and in the amount of $400,000 for Intelligence and Communications activities; in all: $950,000, are rescinded.

OPERATION AND MAINTENANCE, ARMY RESERVE

Appropriations provided under this head in the Department of Defense Appropriation Act, 1975, are rescinded in the amount of $900,000, to be derived from the sum provided only for the maintenance of real property facilities.

OPERATION AND MAINTENANCE, NAVY RESERVE

Appropriations provided under this head in the Department of Defense Appropriation Act, 1975, are rescinded in the amount of $550,000, to be derived from the sum provided only for maintenance of real property facilities.

OPERATION AND MAINTENANCE, AIR FORCE RESERVE

Appropriations provided under this head in the Department of Defense Appropriation Act, 1975, are rescinded in the amount of $200,000, to be derived from the sum provided only for maintenance of real property facilities.

OPERATION AND MAINTENANCE, ARMY NATIONAL GUARD

Appropriations provided under this head in the Department of Defense Appropriation Act, 1975, are rescinded in the amount of $700,000, to be derived from the sum provided only for the maintenance of real property facilities.

OPERATION AND MAINTENANCE, AIR NATIONAL GUARD

Appropriations provided under this head in the Department of Defense Appropriation Act, 1975, are rescinded in the amount of $250,000, to be derived from the sum provided only for maintenance of real property facilities.

AIRCRAFT PROCUREMENT, AIR FORCE

Appropriations provided under this head in the Department of Defense Appropriations Act, 1975, are rescinded in the amount of $122,900,000, to be derived from the sum provided for the procurement of twelve F-111F fighter/bomber aircraft.

CHAPTER III

DEPARTMENT OF STATE

International Organizations and Conferences

CONTRIBUTIONS TO INTERNATIONAL ORGANIZATIONS

88 Stat. 1188. Appropriations provided under this head in the Department of State Appropriation Act, 1975, are rescinded in the amount of $2,000,000.

INTERNATIONAL TRADE NEGOTIATIONS

Appropriations provided under this head in the Department of State Appropriation Act, 1975, are rescinded in the amount of $100,000.

DEPARTMENT OF JUSTICE

Federal Prison System

SALARIES AND EXPENSES, BUREAU OF PRISONS

88 Stat. 1192. Appropriations provided under this head in the Department of Justice Appropriation Act, 1975, are rescinded in the amount of $5,250,000.

BUILDINGS AND FACILITIES

Appropriations provided under this head in the Department of Justice Appropriation Act, 1975, are rescinded in the amount of $1,750,000.

Drug Enforcement Administration

SALARIES AND EXPENSES

Appropriations provided under this head in the Department of Justice Appropriation Act, 1975, are rescinded in the amount of $2,400,000.

DEPARTMENT OF COMMERCE

Social and Economic Statistics Administration

SALARIES AND EXPENSES

88 Stat. 1196. Appropriations provided under this head in the Department of Commerce Appropriation Act, 1975, are rescinded in the amount of $373,000.

Trade Adjustment Assistance

FINANCIAL ASSISTANCE

Appropriations provided under this head in the Department of Commerce Appropriation Act, 1972, are rescinded in the amount of $12,000,000.

United States Travel Service

SALARIES AND EXPENSES

Appropriations provided under this head in the Department of Commerce Appropriation Act, 1975, are rescinded in the amount of $250,000.

NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION

OPERATIONS, RESEARCH, AND FACILITIES

Appropriations provided under this head in the Department of Commerce Appropriation Act, 1975, are rescinded in the amount of $927,000. 88 Stat. 1197.

PATENT OFFICE

SALARIES AND EXPENSES

Appropriations provided under this head in the Department of Commerce Appropriation Act, 1975, are rescinded in the amount of $700,000.

CHAPTER IV

DEPARTMENT OF THE TREASURY

OFFICE OF THE SECRETARY

SALARIES AND EXPENSES

Appropriations provided under this head in the Treasury Department Appropriations Act, 1975, are rescinded in the amount of $310,000. 88 Stat. 613.

FEDERAL LAW ENFORCEMENT TRAINING CENTER

SALARIES AND EXPENSES

Appropriations provided under this head in the Treasury Department Appropriations Act, 1975, are rescinded in the amount of $60,000.

BUREAU OF ACCOUNTS

SALARIES AND EXPENSES

Appropriations provided under this head in the Treasury Department Appropriations Act, 1975, are rescinded in the amount of $630,000.

INTERNAL REVENUE SERVICE

SALARIES AND EXPENSES

Appropriations provided under this head in the Treasury Department Appropriations Act, 1975, are rescinded in the amount of $530,000.

EXECUTIVE OFFICE OF THE PRESIDENT

SPECIAL ACTION OFFICE FOR DRUG ABUSE PREVENTION

PHARMACOLOGICAL RESEARCH

Appropriations provided under this head in the Executive Office Appropriation Act, 1975, are rescinded in the amount of $2,760,000.

SPECIAL FUND

Appropriations provided under this head in the Executive Office Appropriation Act, 1975, are rescinded in the amount of $2,240,000.

INDEPENDENT AGENCIES

GENERAL SERVICES ADMINISTRATION

FEDERAL BUILDINGS FUND

LIMITATION ON AVAILABILITY OF REVENUE

The amount made available under this head in the Independent Agencies Appropriations Act, 1975, is hereby reduced in the amount of $20,022,900, which reduction shall apply specifically to the limitation on alterations and major repairs.

Approved April 8, 1975.

LEGISLATIVE HISTORY:

HOUSE REPORTS: No. 94-17 (Comm. on Appropriations) and No. 94-112 (Comm. of Conference).
SENATE REPORT No. 94-24 (Comm. on Appropriations).
CONGRESSIONAL RECORD, Vol. 121 (1975):
Feb. 25, considered and passed House.
Mar. 17, considered and passed Senate, amended.
Mar. 25, House agreed to conference report.
Mar. 26, Senate agreed to conference report.
WEEKLY COMPILATION OF PRESIDENTIAL DOCUMENTS, Vol. 11, No. 15:
Apr. 8, Presidential statement.

Public Law 94–15
94th Congress

An Act

To rescind certain budget authority recommended in the Message of the President of January 30, 1975 (H. Doc. 94–39) and in the communications of the Comptroller General of February 7, 1975 (H. Doc. 94–46) and of February 14, 1975 (H. Doc. 94–50), transmitted pursuant to the Impoundment Control Act of 1974.

Apr. 8, 1975
[H.R. 4075]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the following rescissions of budget authority contained in the message of the President of January 30, 1975 (H. Doc. 94–39) and in the communications of the Comptroller General of February 7, 1975 (H. Doc. 94–46) and of February 14, 1975 (H. Doc. 94–50), are made pursuant to the Impoundment Control Act of 1974, namely:

Certain budget authority. Rescission.

31 USC 1400 note.

CHAPTER I

DEPARTMENT OF AGRICULTURE

Agricultural Stabilization and Conservation Service

forestry incentives program

Appropriations provided under this head in the Agriculture-Environmental and Consumer Protection Appropriation Act, 1975, are rescinded in the amount of $10,000,000. 88 Stat. 1822.

CHAPTER II

DEPARTMENT OF DEFENSE—MILITARY

Special Foreign Currency Program

Appropriations provided under this head in the Department of Defense Appropriation Act, 1973, are rescinded in the amount of $915,000. 86 Stat. 1184. Appropriations provided under this head in the Department of Defense Appropriation Act, 1974, are rescinded in the amount of $40,000. 87 Stat. 1026.

CHAPTER III

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT—INDEPENDENT AGENCIES

Consumer Product Safety Commission

salaries and expenses

Appropriations provided under this head in the Agriculture-Environmental and Consumer Protection Appropriation Act, 1975, are rescinded in the amount of $500,000.

CHAPTER IV

DEPARTMENT OF COMMERCE

UNITED STATES TRAVEL SERVICE

INTER-AMERICAN CULTURAL AND TRADE CENTER

80 Stat. 1057. Appropriations provided under this head in the Supplemental Appropriations Act, 1967, are rescinded in the amount of $4,999,704.

Approved April 8, 1975.

LEGISLATIVE HISTORY:

HOUSE REPORTS: No. 94–26 (Comm. on Appropriations) and
No. 94–113 (Comm. of Conference).
SENATE REPORT No. 94–35 (Comm. on Appropriations).
CONGRESSIONAL RECORD, Vol. 121 (1975):
Mar. 10, considered and passed House.
Mar. 17, considered and passed Senate, amended.
Mar. 25, House agreed to conference report.
Mar. 26, Senate agreed to conference report.
WEEKLY COMPILATION OF PRESIDENTIAL DOCUMENTS, Vol. 11, No. 15:
Apr. 8, Presidential statement.

Public Law 94-16
94th Congress

Joint Resolution

To extend the effective date of certain provisions of the Commodity Futures Trading Commission Act of 1974.

Apr. 16, 1975
[H.J. Res. 335]

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That notwithstanding any other provision of law or of the Commodity Exchange Act, as amended (7 U.S.C. 1 et seq.), the Commodity Futures Trading Commission established in section 2(a) of the Commodity Exchange Act, as amended, in its discretion, and without prior notice or hearings:

Commodity Futures Trading Commission Act of 1974, extension.
7 USC 4a note.
7 USC 4a.

(a) may grant provisional designation as a contract market to any boards of trade for any commodities traded thereon for such period not in excess of ninety days from the effective date of the Commodity Futures Trading Commission Act of 1974 and under such terms and conditions as the Commission may prescribe: *Provided*, That upon the expiration of any provisional designation of a board of trade as a contract market, such board of trade shall not be designated as a contract market except as provided in section 6 of the Commodity Exchange Act, as amended;

7 USC 4a note.

7 USC 8, 9, 15.

(b) may grant provisional registration as a futures commission merchant, floor broker, associated person, commodity trading adviser, and commodity pool operator to any person for such period not in excess of ninety days from the effective date of the Commodity Futures Trading Commission Act of 1974 (Public Law 93-463) and under such terms and conditions as the Commission may prescribe; and

(c) may defer for such period not in excess of ninety days from the effective date of the Act, the effective dates of sections 204, 205, 210, and 407 of the Commodity Futures Trading Commission Act of 1974 (Public Law 93-463).

88 Stat. 1415.

SEC. 2. Section 203 of the Commodity Futures Trading Commission Act of 1974 is amended by striking the phrase "six months" wherever it appears therein and substituting therefor the phrase "nine months".

7 USC 6j.

SEC. 3. Section 106 of the Commodity Futures Trading Commission Act of 1974 is amended by striking the phrase "one year" wherever it appears in the last paragraph thereof (subsection (i) of new section 14 of the Commodity Exchange Act, as amended) and substituting therefor the phrase "fifteen months" and by striking the phrase "nine months" in the last paragraph thereof (subsection (i) of the new section 14 of the Commodity Exchange Act, as amended) and substituting therefor the phrase "one year".

7 USC 18.

7 USC 18.

7 USC 6a.

SEC. 4. Section 404 of the Commodity Futures Trading Commission Act of 1974 is amended by striking the phrase "ninety days" wherever it appears therein and substituting therefor the phrase "one hundred and eighty days".

Approved April 16, 1975.

LEGISLATIVE HISTORY:

HOUSE REPORT No. 94–122 (Comm. on Agriculture).
SENATE REPORT No. 94–73 (Comm. on Agriculture and Forestry).
CONGRESSIONAL RECORD, Vol. 121 (1975):
Apr. 8, considered and passed House.
Apr. 14, considered and passed Senate, amended.
Apr. 15, House concurred in Senate amendments.

Public Law 94–17
94th Congress

Joint Resolution

Making an additional appropriation for the fiscal year ending June 30, 1975, for the Veterans Administration, and for other purposes.

Apr. 24, 1975
[H.J.Res. 375]

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the following sum is appropriated, out of any money in the Treasury not otherwise appropriated, for the fiscal year ending June 30, 1975, namely:

Veterans Administration; Federal Election Commission. Additional appropriations.

VETERANS ADMINISTRATION

Readjustment Benefits

For an additional amount for "Readjustment benefits", $638,038,000, to remain available until expended.

FEDERAL ELECTION COMMISSION

Salaries and Expenses

For expenses necessary to carry out the provisions of the Federal Election Campaign Act Amendments of 1974, $500,000. 2 USC 431 note.

Approved April 24, 1975.

LEGISLATIVE HISTORY:

HOUSE REPORT No. 94–138 (Comm. on Appropriations).
SENATE REPORT No. 94–82 (Comm. on Appropriations).
CONGRESSIONAL RECORD, Vol. 121 (1975):
Apr. 15, considered and passed House.
Apr. 18, considered and passed Senate, amended.
Apr. 21, House concurred in Senate amendment.

Public Law 94–18
94th Congress

An Act

Apr. 25, 1975
[S. 994]

To authorize supplemental appropriations to the Nuclear Regulatory Commission for fiscal year 1975.

Nuclear Regulatory Commission. Appropriation authorization. 42 USC 2017. 42 USC 5875.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That there is authorized to be appropriated to the Nuclear Regulatory Commission to carry out the provisions of section 261 of the Atomic Energy Act of 1954, as amended, and section 305 of the Energy Reorganization Act of 1974, $50,200,000 for fiscal year 1975.

Approved April 25, 1975.

LEGISLATIVE HISTORY:

HOUSE REPORT No. 94–100 accompanying H.R. 4224 (Joint Comm. on Atomic Energy).
SENATE REPORT No. 94–50 (Joint Comm. on Atomic Energy).
CONGRESSIONAL RECORD, Vol. 121 (1975):
Mar. 24, considered and passed Senate.
Apr. 10, considered and passed House, in lieu of H.R. 4224.

Public Law 94-19
94th Congress

An Act

To amend the joint resolution of July 18, 1939 (53 Stat. 1062), to provide for the acceptance of additional lands for the Home of Franklin D. Roosevelt National Historic Site, and for other purposes.

Apr. 30, 1975
[H.R. 2808]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That title III of the joint resolution approved July 18, 1939 (53 Stat. 1062), is amended as follows:

Home of Franklin D. Roosevelt National Historic Site.
Additional lands.

(1) Amend section 301 to read as follows:

"SEC. 301. The head of any executive department may accept for and in the name of the United States, title to any part or parts of the said Hyde Park estate and title to any contiguous property or properties located in the town of Hyde Park, Dutchess County, State of New York, which shall be donated to the United States for use in connection with any designated governmental function in the administration of this area. The title to any such property may be accepted under this section notwithstanding that it may be subject to the life estate of the donor or of any other person or persons now living: *Provided*, That during the continuance of any life estate reserved therein no expense to the United States in connection with the ordinary maintenance of the property so acquired shall be incurred: *Provided further*, That the acceptance hereunder by the United States of the title to property in which any life estate is reserved shall not during the existence of such life estate exempt the property from taxation by the town of Hyde Park, Dutchess County, or the State of New York as other real property in the said town, county, or State is taxed under the applicable laws relating to taxation of real property.".

Appropriation.

(2) A new section 304 is added, to read as follows:

"SEC. 304. In addition to such amounts as have been appropriated prior to the enactment of this section, there are hereby authorized to be appropriated such sums as may be necessary to carry out the provisions of this title, but not to exceed $104,000 for development purposes.".

Approved April 30, 1975.

LEGISLATIVE HISTORY:

HOUSE REPORT No. 94-149 (Comm. on Interior and Insular Affairs).
SENATE REPORT No. 94-98 (Comm. on Interior and Insular Affairs).
CONGRESSIONAL RECORD, Vol. 121 (1975):
Apr. 21, considered and passed House.
Apr. 29, considered and passed Senate.

Public Law 94-20
94th Congress

An Act

May 2, 1975
[S. 1310]

To continue the special food service program for children through September 30, 1975.

Special food service program for children. Extension.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 13 of the National School Lunch Act (82 Stat. 117, as amended; 42 U.S.C. 1761) is amended—

(a) by inserting in the first sentence of paragraph (1) of subsection (a) before the words "to enable" the following: "and for the period July 1, 1975, through September 30, 1975,"; and

(b) by adding at the end thereof the following new subsections:

"(j) Reimbursement rates established by the Secretary for meals served during the period May through September 1975 in service institutions operating special summer programs under section 13(c)(1) of the National School Lunch Act and in service institutions operating special summer programs under section 13(c)(2) of the National School Lunch Act shall be adjusted to the nearest quarter cent to reflect changes since the period May through September 1974 in the cost of operating special summer programs as indicated by the change in the series for food away from home of the Consumer Price Index of the Bureau of Labor Statistics of the Department of Labor for the most recent twelve-month period for which the Consumer Price Index has been established.

Regulations.

"(k) No later than ten days following enactment of this legislation, the Secretary shall issue regulations pertaining to the operation of the summer food program during the months of May through September 1975: *Provided*, That such regulations shall in no way differ from regulations currently in effect, except for such changes as are necessary to implement the provisions of this Act.".

Approved May 2, 1975.

LEGISLATIVE HISTORY:

SENATE REPORT No. 94-57 (Comm. on Agriculture and Forestry).
CONGRESSIONAL RECORD, Vol. 121 (1975):
Mar. 26, considered and passed Senate.
Apr. 9, considered and passed House, amended.
Apr. 18, Senate concurred in House amendments.

Public Law 94-21
94th Congress,
Joint Resolution

May 9, 1975
[H.J.Res. 242]

To authorize and request the President to issue a proclamation designating the calendar week beginning May 12, 1975, as "National Historic Preservation Week".

Whereas the two hundredth anniversary of the founding of this Republic approaches; and

Whereas an indispensable element of the strength, the freedom, and the constructive world leadership of this Nation is the knowledge and appreciation of our origins and history, of who we are, where we are, and how we arrived there; and

Whereas the houses where we have lived, the buildings where we have worked, the streets we have walked for more than three hundred years are as much a part of our heritage as the wisdom of the Founding Fathers and the works of art which succeeding generations of Americans have bequeathed to us; and

Whereas these buildings and places, great and humble, not only are our roots, but are also sources of pride in our past achievements and enrich our lives today; and

Whereas historic preservation today involves much more than period rooms in house museums, but means, rather, that old homes, public buildings, hotels, taverns, theaters, industrial buildings, churches, and commercial structures can be saved and put to contemporary use as living history to be treated with respect and incorporated within our planning as our towns and cities grow to provide the citizens of this Nation with an environment of quality and enduring interest: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the President is authorized and requested to issue a proclamation—

National Historic Preservation Week. Designation authorization.

(1) designating the calendar week beginning May 12, 1975, as "National Historic Preservation Week"; and

(2) urging Federal, State, and local government agencies, as well as citizens and private organizations, especially the preservation organizations, historical societies, and related groups, to observe that week with educational efforts, ceremonies, and other appropriate activities which—

(a) are designed to call public attention to the urgent need to have our historic landmarks for the enjoyment and edification of the citizens of this Nation, present and future; and

(b) will demonstrate lasting respect for this unique heritage.

Approved May 9, 1975.

LEGISLATIVE HISTORY:

HOUSE REPORT No. 94-153 (Comm. on Post Office and Civil Service).
SENATE REPORT No. 94-100 (Comm. on the Judiciary).
CONGRESSIONAL RECORD, Vol. 121 (1975):
Apr. 21, considered and passed House.
May 1, considered and passed Senate.

Public Law 94-22
94th Congress

An Act

May 19, 1975
[S. 172]

To revise certain provisions of title 5, United States Code, relating to per diem and mileage expenses of Government employees, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Travel Expense Amendments Act of 1975".

Travel Expense Amendments Act of 1975.
5 USC 5701 note.

SEC. 2. (a) Section 5701 (2) of title 5, United States Code, is amended to read as follows:

"(2) 'employee' means an individual employed in or under an agency including an individual employed intermittently in the Government service as an expert or consultant and paid on a daily when-actually-employed basis and an individual serving without pay or at $1 a year;".

(b) Section 5705 of such title 5 is amended by striking out "or individual" wherever it appears.

SEC. 3. Section 5702 of title 5, United States Code, is amended to read as follows:

"§ 5702. Per diem; employee traveling on official business

Post, p. 85.

"(a) Under regulations prescribed under section 5707 of this title, an employee while traveling on official business away from his designated post of duty, or in the case of an individual described under

Post, p. 85.

section 5703 of this title, his home or regular place of business, is entitled to (1) a per diem allowance for travel inside the continental United States at a rate not to exceed $35, and (2) a per diem allowance for travel outside the continental United States, that may not exceed the rate established by the President, or his designee, for each locality where travel is to be performed. For travel consuming less than a full day, such rate may be allocated proportionately.

"(b) Under regulations prescribed under section 5707 of this title, an employee who, while traveling on official business away from his designated post of duty or, in the case of an individual described under section 5703 of this title, his home or regular place of business, becomes incapacitated by illness or injury not due to his own misconduct, is entitled to the per diem allowance and appropriate transportation expenses to his designated post of duty, or home or regular place of business, as the case may be.

"(c) Under regulations prescribed under section 5707 of this title, the Administrator of General Services, or his designee, may prescribe conditions under which an employee may be reimbursed for the actual and necessary expenses of official travel when the maximum per diem allowance would be less than these expenses, except that such reimbursement shall not exceed $50 for each day in a travel status within the continental United States when the per diem otherwise allowable is determined to be inadequate (A) due to the unusual circumstances of the travel assignment, or (B) for travel to high rate geographical areas designated as such in regulations prescribed under section 5707 of this title.

"(d) Under regulations prescribed under section 5707 of this title, for travel outside the continental United States, the Administrator of General Services or his designee, may prescribe conditions under which an employee may be reimbursed for the actual and necessary expenses of official travel when the per diem allowance would be less than these expenses, except that such reimbursement shall not exceed $21 for each day in a travel status outside the continental United States plus the locality per diem rate prescribed for such travel.

"(e) This section does not apply to a justice or judge, except to

28 USC 456.

the extent provided by section 456 of title 28.".

SEC. 4. Section 5703 of title 5, United States Code, is amended to read as follows:

"§ 5703. Per diem, travel, and transportation expenses; experts and consultants; individuals serving without pay

"An employee serving intermittently in the Government service as an expert or consultant and paid on a daily when-actually-employed basis, or serving without pay or at $1 a year, may be allowed travel or transportation expenses, under this subchapter, while away from his home or regular place of business and at the place of employment or service.".

SEC. 5. Section 5704 of title 5, United States Code, is amended to read as follows:

"§ 5704. Mileage and related allowances

"(a) Under regulations prescribed under section 5707 of this title, an employee who is engaged on official business for the Government is entitled to not in excess of— *Infra.*

"(1) 11 cents a mile for the use of a privately owned motorcycle;

"(2) 20 cents a mile for the use of a privately owned automobile; or

"(3) 24 cents a mile for the use of a privately owned airplane;

instead of actual expenses of transportation when that mode of transportation is authorized or approved as more advantageous to the Government. A determination of such advantage is not required when payment on a mileage basis is limited to the cost of travel by common carrier including per diem. Notwithstanding the preceding provisions of this subsection, in any case in which an employee who is engaged on official business for the Government chooses to use a privately owned vehicle in lieu of a Government vehicle, payment on a mileage basis is limited to the cost of travel by a Government vehicle.

"(b) In addition to the mileage allowance authorized under subsection (a) of this section, the employee may be reimbursed for—

"(1) parking fees;

"(2) ferry fees;

"(3) bridge, road, and tunnel costs; and

"(4) airplane landing and tie-down fees.".

SEC. 6. (a) Section 5707 of title 5, United States Code, is amended to read as follows:

"§ 5707. Regulations and reports

"(a) The Administrator of General Services shall prescribe regulations necessary for the administration of this subchapter, except that the Director of the Administrative Office of the United States Courts shall prescribe such regulations with respect to official travel by employees of the judicial branch of the Government.

"(b)(1) The Administrator of General Services, in consultation with the Comptroller General of the United States, the Secretary of Transportation, the Secretary of Defense, and representatives of organizations of employees of the Government, shall conduct periodic investigations of the cost of travel and the operation of privately owned vehicles to employees while engaged on official business, and shall report the results of such investigations to Congress at least once a year. In conducting the investigations, the Administrator shall review and analyze among other factors— Investigations; report to Congress.

"(A) depreciation of original vehicle cost;

"(B) gasoline and oil (excluding taxes);

"(C) maintenance, accessories, parts, and tires;

"(D) insurance; and

"(E) State and Federal taxes.

Regulations.

"(2) The Administrator shall issue regulations under this section which shall prescribe mileage allowances which shall not exceed the amounts set forth in section 5704(a) of this title and which reflect the current costs, as determined by the Administrator, of operating privately owned motorcycles, automobiles, and airplanes. At least once each year after the issuance of the regulations described in the preceding sentence, the Administrator shall determine, based upon the results of his investigation, specific figures, each rounded to the nearest one-half cent, of the average, actual cost a mile during the period for the use of a privately owned motorcycle, automobile, and airplane. The Administrator shall report such figures to Congress not later than five working days after he makes his determination. Each such report shall be printed in the Federal Register. The mileage allowances contained in regulations prescribed under this section shall be adjusted within thirty days following the submission of that report to the figures so determined and reported by the Administrator.".

Ante, p. 85.

Report to Congress.
Publication in Federal Register.

5 USC 5707 note.

(b) The regulations required under the first sentence of section 5707(b)(2) of title 5, United States Code, as amended by subsection (a) of this section, shall be issued no later than thirty days after the effective date of this Act.

SEC. 7. Item 5707 contained in the analysis of subchapter I of chapter 57 of title 5, United States Code, is amended to read as follows:

"5707. Regulations and reports.".

SEC. 8. The seventh paragraph under the heading "ADMINISTRATIVE PROVISIONS" in the Senate appropriation in the Legislative Branch Appropriation Act, 1957 (2 U.S.C. 68b), is amended by striking out "$25" and "$40" and inserting in lieu thereof "$35" and "$50", respectively.

Approved May 19, 1975.

LEGISLATIVE HISTORY:

HOUSE REPORTS: No. 94–5 accompanying H.R. 2302 and No. 94–104 accompanying H.R. 4834 (both from Comm. on Government Operations).

SENATE REPORT No. 94–42 (Comm. on Government Operations).

CONGRESSIONAL RECORD, Vol. 121 (1975):

Mar. 20, considered and passed Senate.

Apr. 21, considered and passed House, amended, in lieu of H.R. 4834.

Apr. 30, Senate concurred in House amendment with an amendment.

May 5, House concurred in Senate amendment.

Public Law 94-23
94th Congress

An Act

To enable the United States to render assistance to, or in behalf of, certain migrants and refugees.

May 23, 1975
[H.R. 6755]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as "The Indochina Migration and Refugee Assistance Act of 1975".

The Indochina Migration and Refugee Assistance Act of 1975.

SEC. 2. (a) Subject to the provisions of subsection (b) there are hereby authorized to be appropriated, in addition to amounts otherwise available for such purposes, $455,000,000 for the performance of functions set forth in the Migration and Refugee Assistance Act of 1962 (76 Stat. 121), as amended, with respect to aliens who have fled from Cambodia or Vietnam, such sums to remain available in accordance with the provisions of subsection (b) of this section.

22 USC 2601 note.

Appropriation authorization.

(b) None of the funds authorized to be appropriated by this Act shall be available for the performance of functions after June 30, 1976, other than for carrying out the provisions of clauses (3), (4), (5), and (6) of section 2(b) of the Migration and Refugee Assistance Act of 1962, as amended. None of such funds shall be available for obligation for any purpose after September 30, 1977.

22 USC 2601 note.

22 USC 2601

SEC. 3. In carrying out functions utilizing the funds made available under this Act, the term "refugee" as defined in section 2(b)(3) of the Migration and Refugee Assistance Act of 1962, as amended, shall be deemed to include aliens who (A) because of persecution or fear of persecution on account of race, religion, or political opinion, fled from Cambodia or Vietnam; (B) cannot return there because of fear of persecution on account of race, religion, or political opinion; and (C) are in urgent need of assistance for the essentials of life.

SEC. 4. (a) The President shall consult with and keep the Committees on the Judiciary, Appropriations, and International Relations of the House of Representatives and the Committees on Foreign Relations, Appropriations and Judiciary of the Senate fully and currently informed of the use of funds and the exercise of functions authorized in this Act.

Presidential consultation with congressional committees.

22 USC 2601 note.

(b) Not more than thirty days after the date of enactment of this Act, the President shall transmit to such Committees a report describing fully and completely the status of refugees from Cambodia and South Vietnam. Such report shall set forth, in addition—

Report to congressional committees.

(1) a plan for the resettlement of those refugees remaining in receiving or staging centers;

(2) the number of refugees who have indicated an interest in returning to their homeland or being resettled in a third country, together with (A) a description of the plan for their return or resettlement and the steps taken to carry out such return or resettlement, and (B) any initiatives that have been made with respect to the Office of the High Commissioner for Refugees of the United Nations; and

(3) a full and complete description of the steps the President has taken to retrieve and deposit in the Treasury as miscellaneous receipts all amounts previously authorized and appropriated for assistance to South Vietnam and Cambodia but not expended for such purpose, exclusive of the $98,000,000 of Indochina Postwar Reconstruction funds allocated to the Department of State for movement and maintenance of refugees prior to the date of enactment of this Act.

Supplementary reports.

(c) Supplementary reports setting forth recent information with respect to each of the items referred to in this section shall be transmitted not more than ninety days after the date of transmittal of the report referred to in subsection (b) of this section and not later than the end of each ninety-day period thereafter. Such reports shall continue until September 30, 1977, and a final report shall be submitted no later than December 31, 1977.

Approved May 23, 1975.

LEGISLATIVE HISTORY:

HOUSE REPORTS: No. 94-197 (Comm. on the Judiciary) and No. 94-230 (Comm. of Conference).

SENATE REPORT No. 94-119 accompanying S. 1661 (Comm. on Foreign Relations).

CONGRESSIONAL RECORD, Vol. 121 (1975):

May 14, considered and passed House.

May 16, considered and passed Senate, amended, in lieu of S. 1661.

May 21, Senate and House agreed to conference report.

Public Law 94-24
94th Congress

An Act

Making appropriations for special assistance to refugees from Cambodia and Vietnam for the fiscal year ending June 30, 1975, and for other purposes.

May 23, 1975
[H.R. 6894]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the following sums are appropriated, out of any money in the Treasury not otherwise appropriated, for special assistance to refugees from Cambodia and Vietnam for the fiscal year ending June 30, 1975, and for other purposes; namely:

Cambodian and Vietnamese refugees.
Special assistance, appropriation.

TITLE I

DEPARTMENT OF STATE

OTHER

SPECIAL ASSISTANCE TO REFUGEES FROM CAMBODIA AND VIETNAM

For necessary expenses, not otherwise provided for, for the relocation and resettlement of refugees from Cambodia and Vietnam, $305,000,000, to remain available until June 30, 1976.

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

SOCIAL AND REHABILITATION SERVICE

SPECIAL ASSISTANCE TO REFUGEES FROM CAMBODIA AND VIETNAM IN THE UNITED STATES

For assistance to refugees from Cambodia and Vietnam in the United States, to remain available for obligation through June 30, 1976, $100,000,000.

TITLE II

GENERAL PROVISION

SEC. 201. No funds appropriated in this Act shall be used, directly or indirectly, to aid the Democratic Republic of Vietnam (DRV) or the Provisional Revolutionary Government (PRG), nor shall any funds appropriated under this Act be channeled through or administered by the DRV or the PRG, nor shall any funds appropriated under this Act be channeled through or administered by international organizations or voluntary agencies to aid the DRV or the PRG.

Approved May 23, 1975.

LEGISLATIVE HISTORY:

HOUSE REPORT No. 94-204 (Comm. on Appropriations).
SENATE REPORT No. 94-138 (Comm. on Appropriations).
CONGRESSIONAL RECORD, Vol. 121 (1975):
May 14, considered and passed House.
May 16, considered and passed Senate.

Public Law 94-25
94th Congress

An Act

May 26, 1975
[H.R. 4975]

To amend the Rail Passenger Service Act to provide financial assistance to the National Railroad Passenger Corporation, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Amtrak Improvement Act of 1975".

Amtrak Improvement Act of 1975.
45 USC 501 note.

SEC. 2. Section 303(d) of the Rail Passenger Service Act (45 U.S.C. 543(d)), relating to officers of the Corporation, is amended by inserting immediately before the period at the end of the third sentence thereof the following: "; except that this limitation upon compensation shall not apply in the case of the president of the Corporation if the board determines with respect to such officer that a higher level of compensation is necessary and is not higher than $85,000 or the general level of compensation paid officers of railroads in positions of comparable responsibility, whichever is lesser".

SEC. 3. Section 305 of such Act (45 U.S.C. 545), relating to general powers of the Corporation, is amended by striking out subsection (f), as added by section 4 of the Amtrak Improvement Act of 1974 (88 Stat. 1527), and inserting in lieu thereof the following:

Customs inspection and immigration procedures.

"(h) The Secretary of the Treasury and the Attorney General shall (consistent with the effective enforcement of the immigration and customs laws) establish and maintain, in cooperation with the Corporation, en route customs inspection and immigration procedures aboard trains operated in international intercity rail passenger service, which procedures will be convenient for passengers and will result in the most rapid possible transit in international intercity rail passenger service.".

SEC. 4. (a) The first sentence of section 308(b) of such Act (45 U.S.C. 548(b)), relating to reports, is amended by striking out "the preceding year" and inserting in lieu thereof "the preceding fiscal year".

(b) Section 308(c) of such Act (45 U.S.C. 548(c)), relating to reports, is amended by adding at the end thereof the following new sentence: "Beginning in 1976, the Secretary's report on the Corporation shall be made part of the Department of Transportation annual report to the Congress."

Experimental routes.

SEC. 5. Section 403(c) of such Act (45 U.S.C. 563(c)), relating to experimental routes, is amended—

(1) by striking out "the Secretary" in the first sentence and in the third sentence and inserting in lieu thereof in each such sentence "the Board of Directors"; and

(2) by inserting immediately after "the Secretary" in the second sentence ", in consultation with the Board of Directors,".

Seasonal routes, studies.

SEC. 6. Section 403(b) of such Act (45 U.S.C. 563(b)) is amended by adding at the end thereof the following new sentence: "The Corporation, at the request of States, may conduct studies during the fiscal year ending June 30, 1976, to determine benefits of seasonal routes to recreational areas.

Discontinuance of service.

SEC. 7. Section 404(b) of such Act (45 U.S.C. 564(b)), relating to discontinuance of service, is amended—

(1) by striking out "July 1, 1975" in paragraph (1) and paragraph (3) and inserting in lieu thereof in each such paragraph "October 1, 1976"; and

(2) by striking out "July 1, 1975" in the second sentence of paragraph (2) and inserting in lieu thereof "March 1, 1977".

SEC. 8. Section 404 of such Act (45 U.S.C. 564), relating to discontinuance of service, is amended by adding at the end thereof the following new subsection:

"(c)(1) Within 120 days after the date of enactment of this subsection, the board of directors of the Corporation shall study, develop, and submit to the Secretary, to the Commission, and to the Congress an initial proposal setting forth criteria and procedures under which the Corporation would be authorized to add or discontinue routes and services. Such criteria and procedures shall include, but need not be limited to—

Criteria and procedures, submittal to Secretary of Transportation, Interstate Commerce Commission, and Congress.

"(A) methods for evaluating the economic and environmental impact of any addition or discontinuance of intercity rail passenger service including an evaluation of the economic impact to the Corporation and to the nation of the addition of new service points along existing or new inter-city routes within the Northeast Corridor;

"(B) methods for evaluating the effects of any such addition or discontinuance on connecting parts of the national system of intercity rail passenger service;

"(C) methods for estimating, with respect to any such addition or discontinuance, the population to be affected, the demand for intercity rail passenger service, the revenue per passenger mile, and the effect on capital costs and revenue of the Corporation;

"(D) methods for evaluating the availability of alternative modes of transportation;

"(E) methods for giving public notice of, and obtaining public comments on, any such addition or discontinuance; and

"(F) methods for establishing a priority ranking system for routes and trains to meet the needs of the public convenience and necessity for a balanced tranportation system, taking into consideration the criteria and procedures referred to in subparagraphs (A) through (E) of this paragraph, together with such other criteria as the board of directors deems appropriate.

"(2) Within 150 days after the date of enactment of this subsection, the Secretary and the Commission shall submit to the Congress and to the board of directors of the Corporation their comments on the initial proposal setting forth criteria and procedures developed by the board of directors of the Corporation, together with such recommendations as they may deem appropriate.

Comments and recommendations, submittal to Congress and National Railroad Passenger Corporation.

"(3) Within 30 days after receipt of comments submitted by the Secretary and the Commission under paragraph (2) of this subsection, the board of directors of the Corporation shall consider such comments and shall submit to the Congress a final proposal setting forth criteria and procedures under which the Corporation would be authorized to add or discontinue routes and services within the national system of intercity rail passenger service. The criteria and procedures set forth in such final proposal shall take effect at the end of the first period of 60 calendar days of continuous session of the Congress after the date of its submission, unless either the Senate or the House of Representatives adopts a resolution during such period stating that it does not approve such final proposal. If no resolution is adopted as provided in the preceding sentence, the Corporation may add or discontinue routes and services in accordance with the criteria and procedures set forth in the final proposal, notwithstanding the provisions of section 13a of the Interstate Commerce Act or of section 404(b)(3) of this Act, relating to discontinuance of service within the basic system. Service beyond the basic system referred to in section 404(b)(2) of this Act shall not be discontinued under this subsection until March 1, 1977. For purposes of this paragraph, continuity of session of the Congress is broken only by an adjournment sine die, and the days on which either House is not in session because of an adjournment of more than 3 days to a day certain are excluded from the computation of the 60-day period.".

Final proposal, submittal to Congress.

49 USC 13a.

Ante, p. 90.

Financial investment advisory panel.

SEC. 9. Such Act is amended by striking out title V, relating to the financial investment advisory panel (45 U.S.C. 581–583).

Appropriation authorization.

SEC. 10. Section 601(a) of such Act (45 U.S.C. 601(a)), relating to authorization of appropriations, is amended—

(1) by striking out "in subsequent fiscal years a total of $534,300,000" in the first sentence and inserting in lieu thereof "in subsequent fiscal years through June 30, 1975, a total of $597,300,000"; and

(2) by inserting immediately after the first sentence the following "There are authorized to be appropriated to the Secretary for the benefit of the Corporation (1) for the payment of operating expenses for the basic system, and for operating and capital expenses of intercity rail passenger service provided pursuant to section 403(b) of this Act, $350,000,000 for fiscal year 1976, $105,000,000 for the transition period of July 1, 1976, through September 30, 1976 (hereafter in this section referred to as the 'transition period') and $355,000,000 for fiscal year 1977; and (2) for the payment of capital expenditures of the basic system, $110,000,000 for fiscal year 1976; $25,000,000 for the transition period; and $110,000,000 for fiscal year 1977. Of the amounts authorized by clause (1) of the preceding sentence, not more than $25,000,000 for fiscal year 1976, $7,000,000 for the transition period, and $30,000,000 for fiscal year 1977 shall be available for payment of operating and capital expenses of intercity rail passenger service provided pursuant to section 403(b) of this Act.".

45 USC 563.

Guarantee of loans.

SEC. 11. Section 602 of such Act (45 U.S.C. 602), relating to guarantee of loans, is amended—

(1) by striking out subsection (a) and inserting in lieu thereof the following:

"(a) The Secretary is authorized, on such terms and conditions as he may prescribe, and with the approval of the Secretary of the Treasury, to guarantee any lender or lessor against loss of principal and interest or other contractual commitments, including rentals, on securities, obligations, leases, or loans (including refinancing thereof) issued to finance the upgrading of roadbeds, and the purchase or lease by the Corporation or an agency of new rolling stock, rehabilitation of existing rolling stock, reservation systems, switch and signal systems, and other capital equipment and facilities necessary for the improvement of rail passenger service. The maturity date or term of such securities, obligations, leases, or loans, including all extensions and renewals thereof, shall not be later than 20 years from their date of issuance.";

(2) by striking out subsection (c) and inserting in lieu thereof the following:

"(c) Any guarantee made by the Secretary under this section shall not be terminated, canceled or otherwise revoked; shall be conclusive evidence that such guarantee complies fully with the provisions of this Act and of the approval and legality of the principal amount, interest rate, lease rate, and all other terms of the securities, obligations, leases, or loans and of the guarantee, and shall be valid and incontestable in the hands of a holder of a guaranteed security, obligation, lease, or loan, except for fraud or material misrepresentation on the part of such holder.";

(3) by striking out "obligations, or loans" in subsection (d) and inserting in lieu thereof "obligations, leases, or loans";

(4) by striking out "obligation, or loan" each place it appears in subsection (g) and inserting in lieu thereof in each such place "obligation, lease, or loan"; and

(5) by striking out "a loan" in subsection (i) and inserting in lieu thereof "a lease or loan".

SEC. 12. Section 701(c)(1) of such Act (45 U.S.C. 621(c)(1)), relating to liquidation of the assets of any railroad recipient of a loan or loan guarantee, is amended by adding at the end thereof the following new sentence: "In the case of a railroad in reorganization (as defined in section 102(12) of the Regional Rail Reorganization Act of 1973) which has an agreement with the Corporation to provide intercity rail passenger service on the date of enactment of this sentence, the sale by such railroad of any right-of-way or track over which the Corporation is required to provide intercity rail passenger service on such date of enactment (as an experimental route designated by the Secretary before such date of enactment) shall be deemed to be a liquidation of the assets of such railroad under the first sentence of this paragraph, and the Secretary shall acquire such right, title, and interest in such right-of-way or track, and restore it to such condition, as may be necessary to permit the Corporation to provide intercity rail passenger service over the designated route.".

Liquidation of assets.

45 USC 702.

SEC. 13. Section 4(i)(2) of the Department of Transportation Act, as added by the Amtrak Improvement Act of 1974 (94 U.S.C. 1653 (i)(2)), is amended by striking out the last two sentences and inserting in lieu thereof the following: "Any grant made by the Secretary under this paragraph shall not exceed 60 per centum of the total cost of conversion of a railroad passenger terminal into an intermodal transportation terminal.".

Railroad terminal conversion, grants, limitation.
49 USC 1653.

Approved May 26, 1975.

LEGISLATIVE HISTORY:

HOUSE REPORT No. 94-119 (Comm. on Interstate and Foreign Commerce).
SENATE REPORT No. 94-65 accompanying S. 852 (Comm. on Commerce).
CONGRESSIONAL RECORD, Vol. 121 (1975):
Apr. 24, considered and passed House.
May 8, 13, considered and passed Senate.
WEEKLY COMPILATION OF PRESIDENTIAL DOCUMENTS, Vol. 11, No. 22:
May 26, Presidential statement.

Public Law 94-26
94th Congress

An Act

May 27, 1975
[H.R. 4269]

To amend the Organic Act of Guam and the Revised Organic Act of the Virgin Islands.

Guam and the Virgin Islands.

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

GUAM

SECTION 1. The Organic Act of Guam (48 U.S.C. 1421 and following) is amended by inserting after section 34 the following new section:

48 USC 1421k-1.

"SEC. 35. Notwithstanding any other provision of law, the clerk hire allowance and the transportation expenses subject to reimbursement under Federal law of the Delegate from Guam to the United States House of Representatives shall each be the same as allowed for Members of the United States House of Representatives.".

VIRGIN ISLANDS

SEC. 2. The Revised Organic Act of the Virgin Islands (48 U.S.C. 1541 and following) is amended by inserting after section 14 the following new section:

48 USC 1596.

"SEC. 15. Notwithstanding any other provision of law, the clerk hire allowance and the transportation expenses subject to reimbursement under Federal law of the Delegate from the Virgin Islands to the United States House of Representatives shall each be the same as allowed for Members of the United States House of Representatives.".

Approved May 27, 1975.

LEGISLATIVE HISTORY:

HOUSE REPORT No. 94-150 (Comm. on Interior and Insular Affairs).
SENATE REPORT No. 94-140 (Comm. on Interior and Insular Affairs).
CONGRESSIONAL RECORD, Vol. 121 (1975):
Apr. 21, considered and passed House.
May 19, considered and passed Senate.

Public Law 94-27
94th Congress

An Act

To amend section 2 of the Act of June 30, 1954, as amended, providing for the continuance of civil government for the Trust Territory of the Pacific Islands.

May 28, 1975
[S. 326]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 2 of the Act of June 30, 1954 (68 Stat. 330), as amended, is amended by deleting "and for each of the fiscal years 1974 and 1975, $60,000,000" and inserting in lieu thereof the following: "for fiscal year 1975, $75,000,000".

Trust Territory of the Pacific Islands.
Civil government, continuance.
48 USC 1681 note.

SEC. 2. There is authorized to be appropriated $1,500,000 to aid in the transition of the Mariana Islands District to a new Commonwealth status as a territory of the United States: *Provided, however*, That no part of such sum may be obligated or expended until final agreement between Marianas Political Status Commission and the United States has been approved by the Congress.

Appropriation authorization.
48 USC 1681 note.

Approved May 28, 1975.

LEGISLATIVE HISTORY:

HOUSE REPORT No. 94-188 (Comm. on Interior and Insular Affairs).
SENATE REPORT No. 94-20 (Comm. on Interior and Insular Affairs).
CONGRESSIONAL RECORD, Vol. 121 (1975):
Mar. 17, considered and passed Senate.
May 5, considered and passed House, amended
May 16, Senate concurred in House amendment.

Public Law 94-28
94th Congress

An Act

May 28, 1975
[H.R. 7136]

To continue the special supplemental food program for women, infants, and children through September 30, 1975.

Special supplemental food program. Time extension.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 17 of the Child Nutrition Act of 1966 (80 Stat. 885, as amended; 42 U.S.C. 1786) is amended—

(a) by inserting after "1975," in the first sentence of subsection (a) the following: "and for the period July 1, 1975, through September 30, 1975,"; and

(b) by inserting after "1975," in the third sentence of subsection (b) the following: "and for the period July 1, 1975, through September 30, 1975,".

Approved May 28, 1975.

LEGISLATIVE HISTORY:

SENATE REPORT No. 94-158 accompanying S. 1780 (Comm. on Agriculture and Forestry).

CONGRESSIONAL RECORD, Vol. 121 (1975):

May 21, considered and passed House.

May 22, considered and passed Senate, in lieu of S. 1780.

Public Law 94-29
94th Congress

An Act

To amend the Securities Exchange Act of 1934 to remove barriers to competition, to foster the development of a national securities market system and a national clearance and settlement system, to make uniform the Securities and Exchange Commission's authority over self-regulatory organizations, to provide for the regulation of brokers, dealers and banks trading in municipal securities, to facilitate the collection and public dissemination of information concerning the holdings of and transactions in securities by institutional investment managers, and for other purposes.

June 4, 1975
[S. 249]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Securities Acts Amendments of 1975".

Securities Acts Amendments of 1975.
15 USC 78a note.

SEC. 2. Section 2 of the Securities Exchange Act of 1934 (15 U.S.C. 78b) is amended by inserting immediately before the phrase "and to impose requirements necessary to make such regulation and control reasonably complete and effective," the following: "to remove impediments to and perfect the mechanisms of a national market system for securities and a national system for the clearance and settlement of securities transactions and the safeguarding of securities and funds related thereto,".

Necessity for regulation.

SEC. 3. Section 3 of the Securities Exchange Act of 1934 (15 U.S.C. 78c) is amended as follows:

Definitions.

(1) Paragraph (3) of subsection (a) thereof is amended to read as follows:

"(3)(A) The term 'member' when used with respect to a national securities exchange means (i) any natural person permitted to effect transactions on the floor of the exchange without the services of another person acting as broker, (ii) any registered broker or dealer with which such a natural person is associated, (iii) any registered broker or dealer permitted to designate as a representative such a natural person, and (iv) any other registered broker or dealer which agrees to be regulated by such exchange and with respect to which the exchange undertakes to enforce compliance with the provisions of this title, the rules and regulations thereunder, and its own rules. For purposes of sections (b)(1), 6(b)(4), 6(b)(6), 6(b)(7), 6(d), 17(d), 19(d), 19(e), 19(g), 19(h), and 21 of this title, the term 'member' when used with respect to a national securities exchange also means, to the extent of the rules of the exchange specified by the Commission, any person required by the Commission to comply with such rules pursuant to section 6(f) of this title.

Post, pp. 104, 137, 146, 154.

"(B) The term 'member' when used with respect to a registered securities association means any broker or dealer who agrees to be regulated by such association and with respect to whom the association undertakes to enforce compliance with the provisions of this title, the rules and regulations thereunder, and its own rules.".

(2) Paragraph (9) thereof is amended to read as follows:

"(9) The term 'person' means a natural person, company, government, or political subdivision, agency, or instrumentality of a government.".

(3) Paragraph (12) of subsection (a) thereof is amended to read as follows:

"(12) The term 'exempted security' or 'exempted securities' includes securities which are direct obligations of, or obligations guaranteed as to principal or interest by, the United States; such securities issued or guaranteed by corporations in which the United States has a direct or indirect interest as shall be designated for exemption by the Secretary of the Treasury as necessary or appropriate in the public interest or

for the protection of investors; municipal securities, as defined in section 3(a)(29) of this title: *Provided, however*, That municipal securities shall not be deemed to be 'exempted securities' for purposes of sections 15, 15A (except subsections (b)(6), (b)(11), and (g)(2) thereof), and 17A of this title; any interest or participation in any common trust fund or similar fund maintained by a bank exclusively for the collective investment and reinvestment of assets contributed thereto by such bank in its capacity as trustee, executor, administrator, or guardian; any interest or participation in a collective trust fund maintained by a bank or in a separate account maintained by an insurance company which interest or participation is issued in connection with (A) a stock bonus, pension, or profit-sharing plan which meets the requirements for qualification under section 401 of the Internal Revenue Code of 1954, or (B) an annuity plan which meets the requirements for the deduction of the employer's contribution under section 404(a)(2) of such Code, other than any plan described in clause (A) or (B) of this paragraph which covers employees some or all of whom are employees within the meaning of section 401(c)(1) of such Code, and such other securities (which may include, among others, unregistered securities, the market in which is predominantly intrastate) as the Commission may, by such rules and regulations as it deems consistent with the public interest and the protection of investors, either unconditionally or upon specified terms and conditions or for stated periods, exempt from the operation of any one or more provisions of this title which by their terms do not apply to an 'exempted security' or to 'exempted securities'.".

Post, p. 101.

Post, pp. 121, 127, 141.

26 USC 401.

26 USC 404.

(4) Paragraphs (17), (18), and (19) of subsection (a) thereof are amended to read as follows:

"(17) The term 'interstate commerce' means trade, commerce, transportation, or communication among the several States, or between any foreign country and any State, or between any State and any place or ship outside thereof. The term also includes intrastate use of (A) any facility of a national securities exchange or of a telephone or other interstate means of communication, or (B) any other interstate instrumentality.

"(18) The term 'person associated with a broker or dealer' or 'associated person of a broker or dealer' means any partner, officer, director, or branch manager of such broker or dealer (or any person occupying a similar status or performing similar functions), any person directly or indirectly controlling, controlled by, or under common control with such broker or dealer, or any employee of such broker or dealer, except that any person associated with a broker or dealer whose functions are solely clerical or ministerial shall not be included in the meaning of such term for purposes of section 15(b) of this title (other than paragraph (6) thereof).

Post, p. 121.

"(19) The terms 'investment company', 'affiliated person', 'insurance company', 'separate account', and 'company' have the same meanings as in the Investment Company Act of 1940.".

15 USC 80a-2.

(5) Paragraph (21) of subsection (a) thereof is amended to read as follows:

"(21) The term 'person associated with a member' or 'associated person of a member' when used with respect to a member of a national securities exchange or registered securities association means any partner, officer, director, or branch manager of such member (or any person occupying a similar status or performing similar functions), any person directly or indirectly controlling, controlled by, or under common control with such member, or any employee of such member.".

(6) Subsection (a) thereof is further amended by adding at the end thereof the following new paragraphs:

"(22)(A) The term 'securities information processor' means any person engaged in the business of (i) collecting, processing, or preparing for distribution or publication, or assisting, participating in, or coordinating the distribution or publication of, information with respect to transactions in or quotations for any security (other than an exempted security) or (ii) distributing or publishing (whether by means of a ticker tape, a communications network, a terminal display device, or otherwise) on a current and continuing basis, information with respect to such transactions or quotations. The term 'securities information processor' does not include any bona fide newspaper, news magazine, or business or financial publication of general and regular circulation, any self-regulatory organization, any bank, broker, dealer, building and loan, savings and loan, or homestead association, or cooperative bank, if such bank, broker, dealer, association, or cooperative bank would be deemed to be a securities information processor solely by reason of functions performed by such institutions as part of customary banking, brokerage, dealing, association, or cooperative bank activities, or any common carrier, as defined in section 3(h) of the Communications Act of 1934, subject to the jurisdiction of the Federal Communications Commission or a State commission, as defined in section 3(t) of that Act, unless the Commission determines that such carrier is engaged in the business of collecting, processing, or preparing for distribution or publication, information with respect to transactions in or quotations for any security. 47 USC 153.

"(B) The term 'exclusive processor' means any securities information processor or self-regulatory organization which, directly or indirectly, engages on an exclusive basis on behalf of any national securities exchange or registered securities association or any national securities exchange or registered securities association which engages on an exclusive basis on its own behalf in collecting, processing, or preparing for distribution or publication any information with respect to (i) transactions or quotations on or effected or made by means of any facility of such exchange or (ii) quotations distributed or published by means of any electronic system operated or controlled by such association.

"(23)(A) The term 'clearing agency' means any person who acts as an intermediary in making payments or deliveries or both in connection with transactions in securities or who provides facilities for comparison of data respecting the terms of settlement of securities transactions, to reduce the number of settlements of securities transactions, or for the allocation of securities settlement responsibilities. Such term also means any person, such as a securities depository, who (i) acts as a custodian of securities in connection with a system for the central handling of securities whereby all securities of a particular class or series of any issuer deposited within the system are treated as fungible and may be transferred, loaned, or pledged by bookkeeping entry without physical delivery of securities certificates, or (ii) otherwise permits or facilitates the settlement of securities transactions or the hypothecation or lending of securities without physical delivery of securities certificates.

"(B) The term 'clearing agency' does not include (i) any Federal Reserve bank, Federal home loan bank, or Federal land bank; (ii) any national securities exchange or registered securities association solely by reason of its providing facilities for comparison of data respecting the terms of settlement of securities transactions effected on such exchange or by means of any electronic system operated or controlled by such association; (iii) any bank, broker, dealer, building and loan, savings and loan, or homestead association, or cooperative bank if such bank, broker, dealer, association, or cooperative bank

would be deemed to be a clearing agency solely by reason of functions performed by such institution as part of customary banking, brokerage, dealing, association, or cooperative banking activities, or solely by reason of acting on behalf of a clearing agency or a participant therein in connection with the furnishing by the clearing agency of services to its participants or the use of services of the clearing agency by its participants, unless the Commission, by rule, otherwise provides as necessary or appropriate to assure the prompt and accurate clearance and settlement of securities transactions or to prevent evasion of this title; (iv) any life insurance company, its registered separate accounts, or a subsidiary of such insurance company solely by reason of functions commonly performed by such entities in connection with variable annuity contracts or variable life policies issued by such insurance company or its separate accounts; (v) any registered open-end investment company or unit investment trust solely by reason of functions commonly performed by it in connection with shares in such registered open-end investment company or unit investment trust, or (vi) any person solely by reason of its performing functions described in paragraph 25(E) of this subsection.

"(24) The term 'participant' when used with respect to a clearing agency means any person who uses a clearing agency to clear or settle securities transactions or to transfer, pledge, lend, or hypothecate securities. Such term does not include a person whose only use of a clearing agency is (A) through another person who is a participant or (B) as a pledgee of securities.

"(25) The term 'transfer agent' means any person who engages on behalf of an issuer of securities or on behalf of itself as an issuer of securities in (A) countersigning such securities upon issuance; (B) monitoring the issuance of such securities with a view to preventing unauthorized issuance, a function commonly performed by a person called a registrar; (C) registering the transfer of such securities; (D) exchanging or converting such securities; or (E) transferring record ownership of securities by bookkeeping entry without physical issuance of securities certificates. The term 'transfer agent' does not include any insurance company or separate account which performs such functions solely with respect to variable annuity contracts or variable life policies which it issues or any registered clearing agency which performs such functions solely with respect to options contracts which it issues.

"(26) The term 'self-regulatory organization' means any national securities exchange, registered securities association, or registered clearing agency, or (solely for purposes of sections 19(b), 19(c), and 23(b) of this title) the Municipal Securities Rulemaking Board established by section 15B of this title.

Post, pp. 146, 156.

Post, p. 131.

"(27) The term 'rules of an exchange', 'rules of an association', or 'rules of a clearing agency' means the constitution, articles of incorporation, bylaws, and rules, or instruments corresponding to the foregoing, of an exchange, association of brokers and dealers, or clearing agency, respectively, and such of the stated policies, practices, and interpretations of such exchange, association, or clearing agency as the Commission, by rule, may determine to be necessary or appropriate in the public interest or for the protection of investors to be deemed to be rules of such exchange, association, or clearing agency.

"(28) The term 'rules of a self-regulatory organization' means the rules of an exchange which is a national securities exchange, the rules of an association of brokers and dealers which is a registered securities association, the rules of a clearing agency which is a registered clearing agency, or the rules of the Municipal Securities Rulemaking Board.

"(29) The term 'municipal securities' means securities which are direct obligations of, or obligations guaranteed as to principal or interest by, a State or any political subdivision thereof, or any agency or instrumentality of a State or any political subdivision thereof, or any municipal corporate instrumentality of one or more States, or any security which is an industrial development bond (as defined in section 103(c)(2) of the Internal Revenue Code of 1954) the interest on which is excludable from gross income under section 103(a)(1) of such Code if, by reason of the application of paragraph (4) or (6) of section 103 (c) of such Code (determined as if paragraphs (4)(A), (5), and (7) were not included in such section 103(c)), paragraph (1) of such section 103(c) does not apply to such security. 26 USC 103.

"(30) The term 'municipal securities dealer' means any person (including a separately identifiable department or division of a bank) engaged in the business of buying and selling municipal securities for his own account, through a broker or otherwise, but does not include—

"(A) any person insofar as he buys or sells such securities for his own account, either individually or in some fiduciary capacity, but not as a part of a regular business; or

"(B) a bank, unless the bank is engaged in the business of buying and selling municipal securities for its own account other than in a fiduciary capacity, through a broker or otherwise: *Provided, however*, That if the bank is engaged in such business through a separately identifiable department or division (as defined by the Municipal Securities Rulemaking Board in accordance with section 15B(b)(2)(H) of this title), the department or division and not the bank itself shall be deemed to be the municipal securities dealer. *Post*, p. 131.

"(31) The term 'municipal securities broker' means a broker engaged in the business of effecting transactions in municipal securities for the account of others.

"(32) The term 'person associated with a municipal securities dealer' when used with respect to a municipal securities dealer which is a bank or a division or department of a bank means any person directly engaged in the management, direction, supervision, or performance of any of the municipal securities dealer's activities with respect to municipal securities, and any person directly or indirectly controlling such activities or controlled by the municipal securities dealer in connection with such activities.

"(33) The term 'municipal securities investment portfolio' means all municipal securities held for investment and not for sale as part of a regular business by a municipal securities dealer or by a person, directly or indirectly, controlling, controlled by, or under common control with a municipal securities dealer.

"(34) The term 'appropriate regulatory agency' means—

"(A) When used with respect to a municipal securities dealer:

"(i) the Comptroller of the Currency, in the case of a national bank or a bank operating under the Code of Law for the District of Columbia, or a subsidiary or a department or division of any such bank;

"(ii) the Board of Governors of the Federal Reserve System, in the case of a State member bank of the Federal Reserve System, a subsidiary or a department or division thereof, a bank holding company, a subsidiary of a bank holding company which is a bank other than a bank specified in clause (i) or (iii) of this subparagraph, or a subsidiary or a department or division of such subsidiary;

"(iii) the Federal Deposit Insurance Corporation, in the case of a bank insured by the Federal Deposit Insurance Cor-

poration (other than a member of the Federal Reserve System), or a subsidiary or department or division thereof; and

"(iv) the Commission in the case of all other municipal securities dealers.

"(B) When used with respect to a clearing agency or transfer agent:

"(i) the Comptroller of the Currency, in the case of a national bank or a bank operating under the Code of Law for the District of Columbia, or a subsidiary of any such bank;

"(ii) the Board of Governors of the Federal Reserve System, in the case of a State member bank of the Federal Reserve System, a subsidiary thereof, a bank holding company, or a subsidiary of a bank holding company which is a bank other than a bank specified in clause (i) or (iii) of this subparagraph;

"(iii) the Federal Deposit Insurance Corporation, in the case of a bank insured by the Federal Deposit Insurance Corporation (other than a member of the Federal Reserve System), or a subsidiary thereof; and

"(iv) the Commission in the case of all other clearing agencies and transfer agents.

"(C) When used with respect to a participant or applicant to become a participant in a clearing agency or a person requesting or having access to services offered by a clearing agency:

"(i) the Comptroller of the Currency, in the case of a national bank or a bank operating under the Code of Law for the District of Columbia when the appropriate regulatory agency for such clearing agency is not the Commission;

"(ii) the Board of Governors of the Federal Reserve System in the case of a state member bank of the Federal Reserve System, a bank holding company, or a subsidiary of a bank holding company, or a subsidiary of a bank holding company which is a bank other than a bank specified in clause (i) or (iii) of this subparagraph when the appropriate regulatory agency for such clearing agency is not the Commission;

"(iii) the Federal Deposit Insurance Corporation, in the case of a bank insured by the Federal Deposit Insurance Corporation (other than a member of the Federal Reserve System) when the appropriate regulatory agency for such clearing agency is not the Commission; and

"(iv) the Commission in all other cases.

"(D) When used with respect to an institutional investment manager which is a bank the deposits of which are insured in accordance with the Federal Deposit Insurance Act:

12 USC 1811 note.

"(i) the Comptroller of the Currency, in the case of a national bank or a bank operating under the Code of Law for the District of Columbia;

"(ii) the Board of Governors of the Federal Reserve System, in the case of any other member bank of the Federal Reserve System; and

"(iii) the Federal Deposit Insurance Corporation, in the case of any other insured bank.

"(E) When used with respect to a national securities exchange or registered securities association, member thereof, person associated with a member thereof, applicant to become a member thereof or to become associated with a member thereof, or person requesting or having access to services offered by such exchange or association or member thereof, or the Municipal Securities Rulemaking Board, the Commission.

"(F) When used with respect to a person exercising investment discretion with respect to an account;

"(i) the Comptroller of the Currency, in the case of a national bank or a bank operating under the Code of Law for the District of Columbia;

"(ii) The Board of Governors of the Federal Reserve System in the case of any other member bank of the Federal Reserve System;

"(iii) the Federal Deposit Insurance Corporation, in the case of any other bank the deposits of which are insured in accordance with the Federal Deposit Insurance Act; and

"(iv) the Commission in the case of all other such persons.

As used in this paragraph, the terms 'bank holding company' and 'subsidiary of a bank holding company' have the meanings given them in section 2 of the Bank Holding Company Act of 1956. 12 USC 1841.

"(35) A person exercises 'investment discretion' with respect to an account if, directly or indirectly, such person (A) is authorized to determine what securities or other property shall be purchased or sold by or for the account, (B) makes decisions as to what securities or other property shall be purchased or sold by or for the account even though some other person may have responsibility for such investment decisions, or (C) otherwise exercises such influence with respect to the purchase and sale of securities or other property by or for the account as the Commission, by rule, determines, in the public interest or for the protection of investors, should be subject to the operation of the provisions of this title and the rules and regulations thereunder.

"(36) A class of persons or markets is subject to 'equal regulation' if no member of the class has a competitive advantage over any other member thereof resulting from a disparity in their regulation under this title which the Commission determines is unfair and not necessary or appropriate in furtherance of the purposes of this title.

"(37) The term 'records' means accounts, correspondence, memorandums, tapes, discs, papers, books, and other documents or transcribed information of any type, whether expressed in ordinary or machine language.

"(38) The term 'market maker' means any specialist permitted to act as a dealer, any dealer acting in the capacity of block positioner, and any dealer who, with respect to a security, holds himself out (by entering quotations in an inter-dealer communications system or otherwise) as being willing to buy and sell such security for his own account on a regular or continuous basis.

"(39) A person is subject to a 'statutory disqualification' with respect to membership or participation in, or association with a member of, a self-regulatory organization, if such person—

"(A) has been and is expelled or suspended from membership or participation in, or barred or suspended from being associated with a member of, any self-regulatory organization;

"(B) is subject to an order of the Commission denying, suspending for a period not exceeding twelve months, revoking his registration as a broker, dealer, or municipal securities dealer, or barring his being associated with a broker, dealer, or municipal securities dealer;

"(C) by his conduct while associated with a broker, dealer, or municipal securities dealer, has been found to be a cause of any effective suspension, expulsion, or order of the character described in subparagraph (A) or (B) of this paragraph, and in entering such a suspension, expulsion, or order, the Commission or any such self-regulatory organization shall have jurisdiction to find whether or not any person was a cause thereof;

"(D) has associated with him any person who is known, or in the exercise of reasonable care should be known, to him to be a person described by subparagraph (A), (B), or (C) of this paragraph; or

"(E) has committed or omitted any act enumerated in subparagraph (D) or (E) of paragraph (4) of section 15(b) of this title, has been convicted of any offense specified in subparagraph (B) of such paragraph (4) within ten years of the date of the filing of an application for membership or participation in, or to become associated with a member of, such self-regulatory organization, is enjoined from any action, conduct, or practice specified in subparagraph (C) of such paragraph (4), has willfully made or caused to be made in any application for membership or participation in, or to become associated with a member of, a self-regulatory organization, report required to be filed with a self-regulatory organization, or proceeding before a self-regulatory organization, any statement which was at the time, and in the light of the circumstances under which it was made, false or misleading with respect to any material fact, or has omitted to state in any such application, report, or proceeding any material fact which is required to be stated therein.".

Post, p. 121.

Rules and regulations.

(7) Subsection (b) thereof is amended to read as follows:

"(b) The Commission and the Board of Governors of the Federal Reserve System, as to matters within their respective jurisdictions, shall have power by rules and regulations to define technical, trade, accounting, and other terms used in this title, consistently with the provisions and purposes of this title.".

(8) The section is further amended by adding at the end thereof the following new subsection:

"(d) No issuer of municipal securities or officer or employee thereof acting in the course of his official duties as such shall be deemed to be a 'broker', 'dealer', or 'municipal securities dealer' solely by reason of buying, selling, or effecting transactions in the issuer's securities.".

SEC. 4. Section 6 of the Securities Exchange Act of 1934 (15 U.S.C. 78f) is amended to read as follows:

"NATIONAL SECURITIES EXCHANGES

Registration.

"SEC. 6. (a) An exchange may be registered as a national securities exchange under the terms and conditions hereinafter provided in this section and in accordance with the provisions of section 19(a) of this title, by filing with the Commission an application for registration in such form as the Commission, by rule, may prescribe containing the rules of the exchange and such other information and documents as the Commission, by rule, may prescribe as necessary or appropriate in the public interest or for the protection of investors.

Post, p. 146.

"(b) An exchange shall not be registered as a national securities exchange unless the Commission determines that—

"(1) Such exchange is so organized and has the capacity to be able to carry out the purposes of this title and to comply, and (subject to any rule or order of the Commission pursuant to section 17(d) or 19(g)(2) of this title) to enforce compliance by its members and persons associated with its members, with the provisions of this title, the rules and regulations thereunder, and the rules of the exchange.

Post, pp. 137, 146.

"(2) Subject to the provisions of subsection (c) of this section, the rules of the exchange provide that any registered broker or dealer or natural person associated with a registered broker or dealer may become a member of such exchange and any person may become associated with a member thereof.

"(3) The rules of the exchange assure a fair representation of its members in the selection of its directors and administration of its affairs and provide that one or more directors shall be representative of issuers and investors and not be associated with a member of the exchange, broker, or dealer.

"(4) The rules of the exchange provide for the equitable allocation of reasonable dues, fees, and other charges among its members and issuers and other persons using its facilities.

"(5) The rules of the exchange are designed to prevent fraudulent and manipulative acts and practices, to promote just and equitable principles of trade, to foster cooperation and coordination with persons engaged in regulating, clearing, settling, processing information with respect to, and facilitating transactions in securities, to remove impediments to and perfect the mechanism of a free and open market and a national market system, and, in general, to protect investors and the public interest; and are not designed to permit unfair discrimination between customers, issuers, brokers, or dealers, or to regulate by virtue of any authority conferred by this title matters not related to the purposes of this title or the administration of the exchange.

"(6) The rules of the exchange provide that (subject to any rule or order of the Commission pursuant to section 17(d) or 19 (g)(2) of this title) its members and persons associated with its members shall be appropriately disciplined for violation of the provisions of this title, the rules or regulations thereunder, or the rules of the exchange, by expulsion, suspension, limitation of activities, functions, and operations, fine, censure, being suspended or barred from being associated with a member, or any other fitting sanction. *Post*, pp. 137, 146.

"(7) The rules of the exchange are in accordance with the provisions of subsection (d) of this section, and in general, provide a fair procedure for the disciplining of members and persons associated with members, the denial of membership to any person seeking membership therein, the barring of any person from becoming associated with a member thereof, and the prohibition or limitation by the exchange of any person with respect to access to services offered by the exchange or a member thereof.

"(8) The rules of the exchange do not impose any burden on competition not necessary or appropriate in furtherance of the purposes of this title.

"(c)(1) A national securities exchange shall deny membership to (A) any person, other than a natural person, which is not a registered broker or dealer or (B) any natural person who is not, or is not associated with, a registered broker or dealer. Membership, denial.

"(2) A national securities exchange may, and in cases in which the Commission, by order, directs as necessary or appropriate in the public interest or for the protection shall, deny membership to any registered broker or dealer or natural person associated with a registered broker or dealer, and bar from becoming associated with a member any person, who is subject to a statutory disqualification. A national securities exchange shall file notice with the Commission not less than thirty days prior to admitting any person to membership or permitting any person to become associated with a member, if the exchange knew, or in the exercise of reasonable care should have known, that such person was subject to a statutory disqualification. The notice shall be in such form and contain such information as the Commission, by rule, may prescribe as necessary or appropriate in the public interest or for the protection of investors. Notice.

"(3)(A) A national securities exchange may deny membership to, or condition the membership of, a registered broker or dealer if (i) such broker or dealer does not meet such standards of financial responsibility or operational capability or such broker or dealer or any natural person association with such broker or dealer does not meet such standards of training, experience, and competence as are prescribed by the rules of the exchange or (ii) such broker or dealer or person associated with such broker or dealer has engaged and there is a reasonable likelihood he may again engage in acts or practices inconsistent with just and equitable principles of trade. A national securities exchange may examine and verify the qualifications of an applicant to become a member and the natural persons associated with such an applicant in accordance with procedures established by the rules of the exchange.

"(B) A national securities exchange may bar a natural person from becoming a member or associated with a member, or condition the membership of a natural person or association of a natural person with a member, if such natural person (i) does not meet such standards of training, experience, and competence as are prescribed by the rules of the exchange or (ii) has engaged and there is a reasonable likelihood he may again engage in acts or practices inconsistent with just and equitable principles of trade. A national securities exchange may examine and verify the qualifications of an applicant to become a person associated with a member in accordance with procedures established by the rules of the exchange and require any person associated with a member, or any class of such persons, to be registered with the exchange in accordance with procedures so established.

"(C) A national securities exchange may bar any person from becoming associated with a member if such person does not agree (i) to supply the exchange with such information with respect to its relationship and dealings with the member as may be specified in the rules of the exchange and (ii) to permit the examination of its books and records to verify the accuracy of any information so supplied.

Membership, limitation.

"(4) A national securities exchange may (A) limit the number of members of the exchange and (B) the number of members and designated representatives of members permitted to effect transactions on the floor of the exchange without the services of another person acting as broker: *Provided, however*, That no national securities exchange shall have the authority to decrease the number of memberships in such exchange, or the number of members and designated representatives of members permitted to effect transactions on the floor of such exchange without the services of another person acting as broker, below such number in effect on May 1, 1975, or the date such exchange was registered with the Commission, whichever is later: *And provided further*, That the Commission, in accordance with the provisions of section 19(c) of this title, may amend the rules of any national securities exchange to increase (but not to decrease) or to remove any limitation on the number of memberships in such exchange or the number of members or designated representatives of members permitted to effect transactions on the floor of the exchange without the services of another person acting as broker, if the Commission finds that such limitation imposes a burden on competition not necessary or appropriate in furtherance of the purposes of this title.

Post, p. 146.

Disciplinary actions.

"(d)(1) In any proceeding by a national securities exchange to determine whether a member or person associated with a member should be disciplined (other than a summary proceeding pursuant to paragraph (3) of this subsection), the exchange shall bring specific charges, notify such member or person of, and give him an opportunity to defend against, such charges, and keep a record. A determination

by the exchange to impose a disciplinary sanction shall be supported by a statement setting forth—

"(A) any act or practice in which such member or person associated with a member has been found to have engaged, or which such member or person has been found to have omitted;

"(B) the specific provision of this title, the rules or regulations thereunder, or the rules of the exchange which any such act or practice, or omission to act, is deemed to violate; and

"(C) the sanction imposed and the reasons therefor.

Notice and hearing.

"(2) In any proceeding by a national securities exchange to determine whether a person shall be denied membership, barred from becoming associated with a member, or prohibited or limited with respect to access to services offered by the exchange or a member thereof (other than a summary proceeding pursuant to paragraph (3) of this subsection), the exchange shall notify such person of, and give him an opportunity to be heard upon, the specific grounds for denial, bar, or prohibition or limitation under consideration and keep a record. A determination by the exchange to deny membership, bar a person from becoming associated with a member, or prohibit or limit a person with respect to access to services offered by the exchange or a member thereof shall be supported by a statement setting forth the specific grounds on which the denial, bar, or prohibition or limitation is based.

Summary suspension.

"(3) A national securities exchange may summarily (A) suspend a member or person associated with a member who has been and is expelled or suspended from any self-regulatory organization or barred or suspended from being associated with a member of any self-regulatory organization, (B) suspend a member who is in such financial or operating difficulty that the exchange determines and so notifies the Commission that the member cannot be permitted to continue to do business as a member with safety to investors, creditors, other members, or the exchange, or (C) limit or prohibit any person with respect to access to services offered by the exchange if subparagraph (A) or (B) of this paragraph is applicable to such person or, in the case of a person who is not a member, if the exchange determines that such person does not meet the qualification requirements or other prerequisites for such access and such person cannot be permitted to continue to have such access with safety to investors, creditors, members, or the exchange. Any person aggrieved by any such summary action shall be promptly afforded an opportunity for a hearing by the exchange in accordance with the provisions of paragraph (1) or (2) of this subsection. The Commission, by order, may stay any such summary action on its own motion or upon application by any person aggrieved thereby, if the Commission determines summarily or after notice and opportunity for hearing (which hearing may consist solely of the submission of affidavits or presentation of oral arguments) that such stay is consistent with the public interest and the protection of investors.

Hearing.

Stay of action.

Rates and fees.

"(e)(1) On and after the date of enactment of the Securities Acts Amendments of 1975, no national securities exchange may impose any schedule or fix rates of commissions, allowances, discounts, or other fees to be charged by its members: *Provided, however*, That until May 1, 1976, the preceding provisions of this paragraph shall not prohibit any such exchange from imposing or fixing any schedule of commissions, allowances, discounts, or other fees to be charged by its members for acting as broker on the floor of the exchange or as odd-lot dealer: *And provided further*, That the Commission, in accordance with the provisions of section 19(b) of this title as modified by the provisions of paragraph (4) of this section, may—

Post, p. 146.

"(A) permit a national securities exchange, by rule, to impose a reasonable schedule or fix reasonable rates of commissions,

allowances, discounts, or other fees to be charged by its members for effecting transactions on such exchange prior to November 1, 1976, if the Commission finds that such schedule or fixed rates of commissions, allowances, discounts, or other fees are in the public interest; and

"(B) permit a national securities exchange, by rule, to impose a schedule or fix rates of commissions, allowances, discounts, or other fees to be charged by its members for effecting transactions on such exchange after November 1, 1976, if the Commission finds that such schedule or fixed rates of commissions, allowances, discounts, or other fees (i) are reasonable in relation to the costs of providing the service for which such fees are charged (and the Commission publishes the standards employed in adjudging reasonableness) and (ii) do not impose any burden on competition not necessary or appropriate in furtherance of the purposes of this title, taking into consideration the competitive effects of permitting such schedule or fixed rates weighed against the competitive effects of other lawful actions which the Commission is authorized to take under this title.

Post, p. 146.

"(2) Notwithstanding the provisions of section 19(c) of this title, the Commission, by rule, may abrogate any exchange rule which imposes a schedule or fixes rates of commissions, allowances, discounts, or other fees, if the Commission determines that such schedule or fixed rates are no longer reasonable, in the public interest, or necessary to accomplish the purposes of this title.

Information, filing with Speaker of the House and President of the Senate.

"(3) Until December 31, 1976, the Commission, on a regular basis, shall file with the Speaker of the House and the President of the Senate information concerning the effect on the public interest, protection of investors, and maintenance of fair and orderly markets of the absence of any schedule or fixed rates of commissions, allowances, discounts, or other fees to be charged by members of any national securities exchange for effecting transactions on such exchange.

Oral presentations.

"(4)(A) Before approving or disapproving any proposed rule change submitted by a national securities exchange which would impose a schedule or fix rates of commissions, allowances, discounts, or other fees to be charged by its members for effecting transactions on such exchange, the Commission shall afford interested persons (i) an opportunity for oral presentation of data, views, and arguments and (ii) with respect to any such rule concerning transactions effected after November 1, 1976, if the Commission determines there are disputed issues of material fact, to present such rebuttal submissions and to conduct (or have conducted under subparagraph (B) of this paragraph) such cross-examination as the Commission determines to be appropriate and required for full disclosure and proper resolution of such disputed issues of material fact.

Rules and rulings.

"(B) The Commission shall prescribe rules and make rulings concerning any proceeding in accordance with subparagraph (A) of this paragraph designed to avoid unnecessary costs or delay. Such rules or rulings may (i) impose reasonable time limits on each interested person's oral presentations, and (ii) require any cross-examination to which a person may be entitled under subparagraph (A) of this paragraph to be conducted by the Commission on behalf of that person in such manner as the Commission determines to be appropriate and required for full disclosure and proper resolution of disputed issues of material fact.

Class representative.

"(C)(i) If any class of persons, the members of which are entitled to conduct (or have conducted) cross-examination under subparagraphs (A) and (B) of this paragraph and which have, in the view of the Commission, the same or similar interests in the proceeding,

cannot agree upon a single representative of such interests for purposes of cross-examination, the Commission may make rules and rulings specifying the manner in which such interests shall be represented and such cross-examination conducted.

"(ii) No member of any class of persons with respect to which the Commission has specified the manner in which its interests shall be represented pursuant to clause (i) of this subparagraph shall be denied, pursuant to such clause (i), the opportunity to conduct (or have conducted) cross-examination as to issues affecting his particular interests if he satisfies the Commission that he has made a reasonable and good faith effort to reach agreement upon group representation and there are substantial and relevant issues which would not be presented adequately by group representation.

"(D) A transcript shall be kept of any oral presentation and cross-examination. Transcript.

"(E) In addition to the bases specified in subsection 25(a), a reviewing Court may set aside an order of the Commission under section 19(b) approving an exchange rule imposing a schedule or fixes rates of commissions, allowances, discounts, or other fees, if the Court finds— *Post*, p. 158. *Post*, p. 146.

"(1) a Commission determination under paragraph (4)(A) that an interested person is not entitled to conduct cross-examination or make rebuttal submissions, or

"(2) a Commission rule or ruling under paragraph (4)(B) limiting the petitioner's cross-examination or rebuttal submissions,

has precluded full disclosure and proper resolution of disputed issues of material fact which were necessary for fair determination by the Commission.

"(f) The Commission, by rule or order, as it deems necessary or appropriate in the public interest and for the protection of investors, to maintain fair and orderly markets, or to assure equal regulation, may require—

"(1) any person not a member or a designated representative of a member of a national securities exchange effecting transactions on such exchange without the services of another person acting as a broker, or

"(2) any broker or dealer not a member of a national securities exchange effecting transactions on such exchange on a regular basis,

to comply with such rules of such exchange as the Commission may specify.".

SEC. 5. Section 8 of the Securities Exchange Act of 1934 (15 U.S.C. 78h) is amended as follows: Borrowing by members, brokers, and dealers, restrictions.

(1) The first sentence thereof is amended by striking out the phrase "any member of a national securities exchange, or any broker or dealer who transacts a business in securities through the medium of any such member" and by inserting in lieu thereof the phrase "any registered broker or dealer, member of a national securities exchange, or broker or dealer who transacts a business in securities through the medium of any member of a national securities exchange".

(2) The section is further amended by striking out subsection (b), redesignating subsections (c) and (d) thereof as subsections (b) and (c) respectively, and amending redesignated subsection (c) to read as follows:

"(c) To lend or arrange for the lending of any securities carried for the account of any customer without the written consent of such customer or in contravention of such rules and regulations as the Commission shall prescribe for the protection of investors."

Trading by members of exchanges, brokers, and dealers.

SEC. 6. Section 11 of the Securities Exchange Act of 1934 (15 U.S.C. 78k) is amended as follows:

(1) The title thereof is amended to read: "TRADING BY MEMBERS OF EXCHANGES, BROKERS, AND DEALERS".

(2) Subsections (a) and (b) thereof are amended to read as follows:

"(a) (1) It shall be unlawful for any member of a national securities exchange to effect any transaction on such exchange for its own account, the account of an associated person, or an account with respect to which it or an associated person thereof exercises investment discretion: *Provided, however*, That this paragraph shall not make unlawful—

"(A) any transaction by a dealer acting in the capacity of market maker;

"(B) any transaction for the account of an odd-lot dealer in a security in which he is so registered;

15 USC 78j.

"(C) any stabilizing transaction effected in compliance with rules under section 10(b) of this title to facilitate a distribution of a security in which the member effecting such transaction is participating;

"(D) any bona fide arbitrage transaction, any bona fide hedge transaction involving a long or short position in an equity security and a long or short position in a security entitling the holder to acquire or sell such equity security, or any risk arbitrage transaction in connection with a merger, acquisition, tender offer, or similar transaction involving a recapitalization;

"(E) any transaction for the account of a natural person, the estate of a natural person, or a trust (other than an investment company) created by a natural person for himself or another natural person;

"(F) any transaction to offset a transaction made in error;

"(G) any other transaction for a member's own account provided that (i) such member is primarily engaged in the business of underwriting and distributing securities issued by other persons, selling securities to customers, and acting as broker, or any one or more of such activities, and whose gross income normally is derived principally from such business and related activities and (ii) such transaction is effected in compliance with rules of the Commission which, as a minimum, assure that the transaction is not inconsistent with the maintenance of fair and orderly markets and yields priority, parity, and precedence in execution to orders for the account of persons who are not members or associated with members of the exchange; and

"(H) any other transaction of a kind which the Commission, by rule, determines is consistent with the purposes of this paragraph, the protection of investors, and the maintenance of fair and orderly markets.

"(2) The Commission, by rule, as it deems necessary or appropriate in the public interest and for the protection of investors, to maintain fair and orderly markets, or to assure equal regulation of exchange markets and markets occurring otherwise than on an exchange, may regulate or prohibit:

"(A) transactions on a national securities exchange not unlawful under paragraph (1) of this subsection effected by any member thereof for its own account (unless such member is acting in the capacity of market maker or odd-lot dealer), the account of an associated person, or an account with respect to which such member or an associated person thereof exercises investment discretion;

"(B) transactions otherwise than on a national securities exchange effected by use of the mails or any means or instrumentality of interstate commerce by any member of a national securities exchange, broker, or dealer for the account of such member, broker, or dealer (unless such member, broker, or dealer is acting in the capacity of a market maker) the account of an associated person, or an account with respect to which such member, broker, or dealer or associated person thereof exercises investment discretion; and

"(C) transactions on a national securities exchange effected by any broker or dealer not a member thereof for the account of such broker or dealer (unless such broker or dealer is acting in the capacity of market maker), the account of an associated person, or an account with respect to which such broker or dealer or associated person thereof exercises investment discretion.

Effective date.

"(3) The provisions of paragraph (1) of this subsection insofar as they apply to transactions on a national securities exchange effected by a member thereof who was a member on May 1, 1975 shall not become effective until May 1, 1978. Nothing in this paragraph shall be construed to impair or limit the authority of the Commission to regulate or prohibit such transactions prior to May 1, 1978, pursuant to paragraph (2) of this subsection.

Odd-lot dealers and specialists.

"(b) When not in contravention of such rules and regulations as the Commission may prescribe as necessary or appropriate in the public interest and for the protection of investors, to maintain fair and orderly markets, or to remove impediments to and perfect the mechanism of a national market system, the rules of a national securities exchange may permit (1) a member to be registered as an odd-lot dealer and as such to buy and sell for his own account so far as may be reasonably necessary to carry on such odd-lot transactions, and (2) a member to be registered as a specialist. Under the rules and regulations of the Commission a specialist may be permitted to act as a broker and dealer or limited to acting as a broker or dealer. It shall be unlawful for a specialist or an official of the exchange to disclose information in regard to orders placed with such specialist which is not available to all members of the exchange, to any person other than an official of the exchange, a representative of the Commission, or a specialist who may be acting for such specialist: *Provided, however*, That the Commission, by rule, may require disclosure to all members of the exchange of all orders placed with specialists, under such rules and regulations as the Commission may prescribe as necessary or appropriate in the public interest or for the protection of investors. It shall also be unlawful for a specialist permitted to act as a broker and dealer to effect on the exchange as broker any transaction except upon a market or limited price order.".

Repeal.

(3) Subsection (e) thereof is repealed.

15 USC 78k.

SEC. 7. The Securities Exchange Act of 1934 is amended by inserting after section 11 (15 U.S.C. 78k) the following new section:

"NATIONAL MARKET SYSTEM FOR SECURITIES; SECURITIES INFORMATION PROCESSORS

15 USC 78k-1.

"SEC. 11A. (a) (1) The Congress finds that—

"(A) The securities markets are an important national asset which must be preserved and strengthened.

"(B) New data processing and communications techniques create the opportunity for more efficient and effective market operations.

"(C) It is in the public interest and appropriate for the protection of investors and the maintenance of fair and orderly markets to assure—

"(i) economically efficient execution of securities transactions;

"(ii) fair competition among brokers and dealers, among exchange markets, and between exchange markets and markets other than exchange markets;

"(iii) the availability to brokers, dealers, and investors of information with respect to quotations for and transactions in securities;

"(iv) the practicability of brokers executing investors' orders in the best market; and

"(v) an opportunity, consistent with the provisions of clauses (i) and (iv) of this subparagraph, for investors' orders to be executed without the participation of a dealer.

"(D) The linking of all markets for qualified securities through communication and data processing facilities will foster efficiency, enhance competition, increase the information available to brokers, dealers, and investors, facilitate the offsetting of investors' orders, and contribute to best execution of such orders.

National market system for securities, establishment.

"(2) The Commission is directed, therefore, having due regard for the public interest, the protection of investors, and the maintenance of fair and orderly markets, to use its authority under this title to facilitate the establishment of a national market system for securities (which may include subsystems for particular types of securities with unique trading characteristics) in accordance with the findings and to carry out the objectives set forth in paragraph (1) of this subsection. The Commission, by rule, shall designate the securities or classes of securities qualified for trading in the national market system from among securities other than exempted securities. (Securities or classes of securities so designated hereinafter in this section referred to as 'qualified securities'.)

"(3) The Commission is authorized in furtherance of the directive in paragraph (2) of this subsection—

Advisory committees, establishment. 5 USC app. I.

"(A) to create one or more advisory committees pursuant to the Federal Advisory Committee Act (which shall be in addition to the National Market Advisory Board established pursuant to subsection (d) of this section) and to employ one or more outside experts;

"(B) by rule or order, to authorize or require self-regulatory organizations to act jointly with respect to matters as to which they share authority under this title in planning, developing, operating, or regulating a national market system (or a subsystem thereof) or one or more facilities thereof; and

Studies and recommendations to Congress.

"(C) to conduct studies and make recommendations to the Congress from time to time as to the possible need for modifications of the scheme of self-regulation provided for in this title so as to adapt it to a national market system.

Securities information processors.

"(b)(1) Except as otherwise provided in this section, it shall be unlawful for any securities information processor unless registered in accordance with this subsection, directly or indirectly, to make use of the mails or any means or instrumentality of interstate commerce to perform the functions of a securities information processor. The Commission, by rule or order, upon its own motion or upon application, may conditionally or unconditionally exempt any securities information processor or class of securities information processors or security or class of securities from any provision of this section or the rules or regulations thereunder, if the Commission finds that such exemption

Exemption.

is consistent with the public interest, the protection of investors, and the purposes of this section, including the maintenance of fair and orderly markets in securities and the removal of impediments to and perfection of the mechanism of a national market system: *Provided, however*, That a securities information processor not acting as the exclusive processor of any information with respect to quotations for or transactions in securities is exempt from the requirement to register in accordance with this subsection unless the Commission, by rule or order, finds that the registration of such securities information processor is necessary or appropriate in the public interest, for the protection of investors, or for the achievement of the purposes of this section.

Registration.

"(2) A securities information processor may be registered by filing with the Commission an application for registration in such form as the Commission, by rule, may prescribe containing the address of its principal office, or offices, the names of the securities and markets for which it is then acting and for which it proposes to act as a securities information processor, and such other information and documents as the Commission, by rule, may prescribe with regard to performance capability, standards and procedures for the collection, processing, distribution, and publication of information with respect to quotations for and transaction in securities, personnel qualifications, financial condition, and such other matters as the Commission determines to be germane to the provisions of this title and the rules and regulations thereunder, or necessary or appropriate in furtherance of the purposes of this section.

Application, notice of filing.

"(3) The Commission shall, upon the filing of an application for registration pursuant to paragraph (2) of this subsection, publish notice of the filing and afford interested persons an opportunity to submit written data, views, and arguments concerning such application. Within ninety days of the date of the publication of such notice (or within such longer period as to which the applicant consents) the Commission shall—

"(A) by order grant such registration, or

"(B) institute proceedings to determine whether registration should be denied. Such proceedings shall include notice of the grounds for denial under consideration and opportunity for hearing and shall be concluded within one hundred eighty days of the date of publication of notice of the filing of the application for registration. At the conclusion of such proceedings the Commission, by order, shall grant or deny such registration. The Commission may extend the time for the conclusion of such proceedings for up to sixty days if it finds good cause for such extension and publishes its reasons for so finding or for such longer periods as to which the applicant consents.

Hearing.

The Commission shall grant the registration of a securities information processor if the Commission finds that such securities information processor is so organized, and has the capacity, to be able to assure the prompt, accurate, and reliable performance of its functions as a securities information processor, comply with the provisions of this title and the rules and regulations thereunder, carry out its functions in a manner consistent with the purposes of this section, and, insofar as it is acting as an exclusive processor, operate fairly and efficiently. The Commission shall deny the registration of a securities information processor if the Commission does not make any such finding.

Withdrawal from registration.

"(4) A registered securities information processor may, upon such terms and conditions as the Commission deems necessary or appropriate in the public interest or for the protection of investors, withdraw from registration by filing a written notice of withdrawal with the Commission. If the Commission finds that any registered securities

information processor is no longer in existence or has ceased to do business in the capacity specified in its application for registration, the Commission, by order, shall cancel the registration.

Access to services, notice of prohibition or limitation.

"(5)(A) If any registered securities information processor prohibits or limits any person in respect of access to services offered, directly or indirectly, by such securities information processor, the registered securities information processor shall promptly file notice thereof with the Commission. The notice shall be in such form and contain such information as the Commission, by rule, may prescribe as necessary or appropriate in the public interest or for the protection of investors. Any prohibition or limitation on access to services with respect to which a registered securities information processor is required by this paragraph to file notice shall be subject to review by the Commission on its own motion, or upon application by any person aggrieved thereby filed within thirty days after such notice has been filed with the Commission and received by such aggrieved person, or within such longer period as the Commission may determine. Application to the Commission for review, or the institution of review by the Commission on its own motion, shall not operate as a stay of such prohibition or limitation, unless the Commission otherwise orders, summarily or after notice and opportunity for hearing on the question of a stay (which hearing may consist solely of the submission of affidavits or presentation of oral arguments). The Commission shall establish for appropriate cases an expedited procedure for consideration and determination of the question of a stay.

Review.

"(B) In any proceeding to review the prohibition or limitation of any person in respect of access to services offered by a registered securities information processor, if the Commission finds, after notice and opportunity for hearing, that such prohibition or limitation is consistent with the provisions of this title and the rules and regulations thereunder and that such person has not been discriminated against unfairly, the Commission, by order, shall dismiss the proceeding. If the Commission does not make any such finding or if it finds that such prohibition or limitation imposes any burden on competition not necessary or appropriate in furtherance of the purposes of this title, the Commission, by order, shall set aside the prohibition or limitation and require the registered securities information processor to permit such person access to services offered by the registered securities information processor.

Limitation, suspension, or revocation of registration. Notice and hearing.

"(6) The Commission, by order, may censure or place limitations upon the activities, functions, or operations of any registered securities information processor or suspend for a period not exceeding twelve months or revoke the registration of any such processor, if the Commission finds, on the record after notice and opportunity for hearing, that such censure, placing of limitations, suspension, or revocation is in the public interest, necessary or appropriate for the protection of investors or to assure the prompt, accurate, or reliable performance of the functions of such securities information processor, and that such securities information processor has violated or is unable to comply with any provision of this title or the rules or regulations thereunder.

"(c)(1) No self-regulatory organization, member thereof, securities information processor, broker, or dealer shall make use of the mails or any means or instrumentality of interstate commerce to collect, process, distribute, publish, or prepare for distribution or publication any information with respect to quotations for or transactions in any security other than an exempted security, to assist, participate in, or coordinate the distribution or publication of such information, or to effect any transaction in, or to induce or attempt to induce the purchase or sale of, any such security in contravention of such rules and regulations as

the Commission shall prescribe as necessary or appropriate in the public interest, for the protection of investors, or otherwise in furtherance of the purposes of this title to—

"(A) prevent the use, distribution, or publication of fraudulent, deceptive, or manipulative information with respect to quotations for and transactions in such securities;

"(B) assure the prompt, accurate, reliable, and fair collection, processing, distribution, and publication of information with respect to quotations for and transactions in such securities and the fairness and usefulness of the form and content of such information;

"(C) assure that all securities information processors may, for purposes of distribution and publication, obtain on fair and reasonable terms such information with respect to quotations for and transactions in such securities as is collected, processed, or prepared for distribution or publication by any exclusive processor of such information acting in such capacity;

"(D) assure that all exchange members, brokers, dealers, securities information processors, and, subject to such limitations as the Commission, by rule, may impose as necessary or appropriate for the protection of investors or maintenance of fair and orderly markets, all other persons may obtain on terms which are not unreasonably discriminatory such information with respect to quotations for and transactions in such securities as is published or distributed by any self-regulatory organization or securities information processor;

"(E) assure that all exchange members, brokers, and dealers transmit and direct orders for the purchase or sale of qualified securities in a manner consistent with the establishment and operation of a national market system; and

"(F) assure equal regulation of all markets for qualified securities and all exchange members, brokers, and dealers effecting transactions in such securities.

"(2) The Commission, by rule, as it deems necessary or appropriate in the public interest or for the protection of investors, may require any person who has effected the purchase or sale of any qualified security by use of the mails or any means or instrumentality of interstate commerce to report such purchase or sale to a registered securities information processor, national securities exchange, or registered securities association and require such processor, exchange, or association to make appropriate distribution and publication of information with respect to such purchase or sale.

"(3) (A) The Commission, by rule, is authorized to prohibit brokers and dealers from effecting transactions in securities registered pursuant to section 12(b) otherwise than on a national securities exchange, if the Commission finds, on the record after notice and opportunity for hearing, that— Notice and hearing. 15 USC 78l.

"(i) as a result of transactions in such securities effected otherwise than on a national securities exchange the fairness or orderliness of the markets for such securities has been affected in a manner contrary to the public interest or the protection of investors;

"(ii) no rule of any national securities exchange unreasonably impairs the ability of any dealer to solicit or effect transactions in such securities for his own account or unreasonably restricts competition among dealers in such securities or between dealers acting in the capacity of market makers who are specialists in such securities and such dealers who are not specialists in such securities, and

(iii) the maintenance or restoration of fair and orderly markets in such securities may not be assured through other lawful means under this title.

The Commission may conditionally or unconditionally exempt any security or transaction or any class of securities or transactions from any such prohibition if the Commission deems such exemption consistent with the public interest, the protection of investors, and the maintenance of fair and orderly markets.

"(B) For the purposes of subparagraph (A) of this paragraph, the ability of a dealer to solicit or effect transactions in securities for his own account shall not be deemed to be unreasonably impaired by any rule of an exchange fairly and reasonably prescribing the sequence in which orders brought to the exchange must be executed or which has been adopted to effect compliance with a rule of the Commission promulgated under this title.

Review.

"(4)(A) The Commission is directed to review any and all rules of national securities exchanges which limit or condition the ability of members to effect transactions in securities otherwise than on such exchanges. On or before the ninetieth day following the day of enactment of the Securities Acts Amendments of 1975, the Commission shall (i) report to the Congress the results of its review, including the effects on competition of such rules, and (ii) commence a proceeding in accordance with the provisions of section 19(c) of this title to amend any such rule imposing a burden on competition which does not appear to the Commission to be necessary or appropriate in furtherance of the purposes of this title. The Commission shall conclude any such proceeding within ninety days of the date of publication of notice of its commencement.

Report to Congress.

Post, p. 146.

"(B) Review pursuant to section 25(b) of this title of any rule promulgated by the Commission in accordance with any proceeding commenced pursuant to subparagraph (A) of this paragraph shall, except as to causes the court considers of greater importance, take precedence on the docket over all other causes and shall be assigned for consideration at the earliest practicable date and expedited in every way.

Post, p. 158.

"(5) No national securities exchange or registered securities association may limit or condition the participation of any member in any registered clearing agency.

National Market Advisory Board. Establishment; membership.

"(d)(1) Not later than one hundred eighty days after the date of enactment of the Securities Acts Amendments of 1975, the Commission shall establish a National Market Advisory Board (hereinafter in this section referred to as the "Advisory Board") to be composed of fifteen members, not all of whom shall be from the same geographical area of the United States, appointed by the Commission for a term specified by the Commission of not less than two years or more than five years. The Advisory Board shall consist of persons associated with brokers and dealers (who shall be a majority) and persons not so associated who are representative of the public and, to the extent feasible, have knowledge of the securities markets of the United States.

"(2) It shall be the responsibility of the Advisory Board to formulate and furnish to the Commission its views on significant regulatory proposals made by the Commission or any self-regulatory organization concerning the establishment, operation, and regulation of the markets for securities in the United States.

Study and recommendations to the Commission.

"(3)(A) The Advisory Board shall study and make recommendations to the Commission as to the steps it finds appropriate to facilitate the establishment of a national market system. In so doing, the Advisory Board shall assume the responsibilities of any advisory

committee appointed to advise the Commission with respect to the national market system which is in existence at the time of the establishment of the Advisory Board.

"(B) The Advisory Board shall study the possible need for modifications of the scheme of self-regulation provided for in this title so as to adapt it to a national market system, including the need for the establishment of a new self-regulatory organization (hereinafter in this section referred to as a 'National Market Regulatory Board' or 'Regulatory Board') to administer the national market system. In the event the Advisory Board determines a National Market Regulatory Board should be established, it shall make recommendations as to:

"(i) the point in time at which a Regulatory Board should be established;

"(ii) the composition of a Regulatory Board;

"(iii) the scope of the authority of a Regulatory Board;

"(iv) the relationship of a Regulatory Board to the Commission and to existing self-regulatory organizations; and

"(v) the manner in which a Regulatory Board should be funded.

The Advisory Board shall report to the Congress, on or before December 31, 1976, the results of such study and its recommendations, including such recommendations for legislation as it deems appropriate.

Report to Congress. Legislative recommendations.

"(C) In carrying out its responsibilities under this paragraph, the Advisory Board shall consult with self-regulatory organizations, brokers, dealers, securities information processors, issuers, investors, representatives of Government agencies, and other persons interested or likely to participate in the establishment, operation, or regulation of the national market system.

Consultation.

"(e) The Commission is authorized and directed to make a study of the extent to which persons excluded from the definitions of 'broker' and 'dealer' maintain accounts on behalf of public customers for buying and selling securities registered under section 12 of this title and whether such exclusions are consistent with the protection of investors and the other purposes of this title. The Commission shall report to the Congress, on or before December 31, 1976, the results of its study together with such recommendations for legislation as it deems advisable.".

Study.

15 USC 78*l*.

Report to Congress. Legislative recommendations.

SEC. 8. Section 12(f) of the Securities Exchange Act of 1934 (15 U.S.C. 781(f)) is amended as follows:

(1) Paragraphs (1) and (2) thereof are amended to read as follows:

Registration requirements for securities.

"(f)(1) Notwithstanding the foregoing provisions of this section, any national securities exchange, subject to the terms and conditions hereinafter set forth—

15 USC 78*l*.

"(A) may continue unlisted trading privileges to which a security had been admitted on such exchange prior to July 1, 1964;

"(B) upon application to and approval of such application by the Commission, may extend unlisted trading privileges to any security listed and registered on any other national securities exchange; and

"(C) upon application to and approval of such application by the Commission, may extend unlisted trading privileges to any security registered pursuant to section 12 of this title or which would be required to be so registered except for the exemption from registration provided in subsection (g)(2)(B) or (g)(2)(G) of that section.

If an extension of unlisted trading privileges to a security is based upon its listing and registration on another national securities exchange, such privileges shall continue in effect only so long as such security remains listed and registered on a national securities exchange.

Notice and hearing.

"(2) No application pursuant to this subsection shall be approved unless the Commission finds, after notice and opportunity for hearing, that the extension of unlisted trading privileges pursuant to such application is consistent with the maintenance of fair and orderly markets and the protection of investors. In considering an application for the extension of unlisted trading privileges to a security not listed and registered on a national securities exchange, the Commission shall, among other matters, take account of the public trading activity in such security, the character of such trading, the impact of such extension on the existing markets for such securities, and the desirability of removing impediments to and the progress that has been made toward the development of a national market system and shall not grant any such application if any rule of the national securities exchange making application under this subsection would unreasonably impair the ability of any dealer to solicit or effect transactions in such security for his own account, or would unreasonably restrict competition among dealers in such security or between such dealers acting in the capacity of market makers who are specialists and such dealers who are not specialists.".

(2) Paragraph (6) thereof is amended by striking out "section 19(b) of".

SEC. 9. Section 12 of the Securities Exchange Act of 1934 (15 U.S.C. 78l) is amended by adding at the end thereof the following new subsections:

Registration, denial, suspension, or revocation. Notice and hearing.

"(j) The Commission is authorized, by order, as it deems necessary or appropriate for the protection of investors to deny, to suspend the effective date of, to suspend for a period not exceeding twelve months, or to revoke the registration of a security, if the Commission finds, on the record after notice and opportunity for hearing, that the issuer of such security has failed to comply with any provision of this title or the rules and regulations thereunder. No member of a national securities exchange, broker, or dealer shall make use of the mails or any means or instrumentality of interstate commerce to effect any transaction in, or to induce the purchase or sale of, any security the registration of which has been and is suspended or revoked pursuant to the preceding sentence.

Summary suspension.

"(k) If in its opinion the public interest and the protection of investors so require, the Commission is authorized summarily to suspend trading in any security (other than an exempted security) for a period not exceeding ten days, or with the approval of the President, summarily to suspend all trading on any national securities exchange or otherwise, in securities other than exempted securities, for a period not exceeding ninety days. No member of a national securities exchange, broker, or dealer shall make use of the mails or any means or instrumentality of interstate commerce to effect any transaction in, or to induce the purchase or sale of, any security in which trading is so suspended.

"(l) It shall be unlawful for an issuer, any class of whose securities is registered pursuant to this section or would be required to be so registered except for the exemption from registration provided by subsection (g)(2)(B) or (g)(2)(G) of this section, by the use of any means or instrumentality of interstate commerce, or of the mails, to issue, either originally or upon transfer, any of such securities in a form or with a format which contravenes such rules and regulations as the Commission may prescribe as necessary or appropriate for the prompt and accurate clearance and settlement of transactions in securities. The provisions of this subsection shall not apply to variable annuity contracts or variable life policies issued by an insurance company or its separate accounts.

"(m) The Commission is authorized and directed to make a study and investigation of the practice of recording the ownership of securities in the records of the issuer in other than the name of the beneficial owner of such securities to determine (1) whether such practice is consistent with the purposes of this title, with particular reference to subsection (g) of this section and sections 13, 14, 15(d), 16, and 17A, and (2) whether steps can be taken to facilitate communications between issuers and the beneficial owners of their securities while at the same time retaining the benefits of such practice. The Commission shall report to the Congress its preliminary findings within six months after the date of enactment of the Securities Acts Amendments of 1975, and its final conclusions and recommendations within one year of such date.". Study. 15 USC 78m, 78n, 78o, 78p; *Post*, p. 141. Reports to Congress. Recommendations to Congress.

SEC. 10. Section 13 of the Securities Exchange Act of 1934 (15 U.S.C. 78m) is amended by adding at the end thereof the following new subsection: Periodic reports.

"(f)(1) Every institutional investment manager which uses the mails, or any means or instrumentality of interstate commerce in the course of its business as an institutional investment manager and which exercises investment discretion with respect to accounts holding equity securities of a class described in section 13(d)(1) of this title having an aggregate fair market value on the last trading day in any of the preceding twelve months of at least $100,000,000 or such lesser amount (but in no case less than $10,000,000) as the Commission, by rule, may determine, shall file reports with the Commission in such form, for such periods, and at such times after the end of such periods as the Commission, by rule, may prescribe, but in no event shall such reports be filed for periods longer than one year or shorter than one quarter. Such reports shall include for each such equity security held on the last day of the reporting period by accounts (in aggregate or by type as the Commission, by rule, may prescribe) with respect to which the institutional investment manager exercises investment discretion (other than securities held in amounts which the Commission, by rule, determines to be insignificant for purposes of this subsection), the name of the issuer and the title, class, CUSIP number, number of shares or principal amount, and aggregate fair market value of each such security. Such reports may also include for accounts (in aggregate or by type) with respect to which the institutional investment manager exercises investment discretion such of the following information as the Commission, by rule, prescribes— Contents.

"(A) the name of the issuer and the title, class, CUSIP number, number of shares or principal amount, and aggregate fair market value or cost or amortized cost of each other security (other than an exempted security) held on the last day of the reporting period by such accounts;

"(B) the aggregate fair market value or cost or amortized cost of exempted securities (in aggregate or by class) held on the last day of the reporting period by such accounts;

"(C) the number of shares of each equity security of a class described in section 13(d)(1) of this title held on the last day of the reporting period by such accounts with respect to which the institutional investment manager possesses sole or shared authority to exercise the voting rights evidenced by such securities;

"(D) the aggregate purchases and aggregate sales during the reporting period of each security (other than an exempted security) effected by or for such accounts; and

"(E) with respect to any transaction or series of transactions having a market value of at least $500,000 or such other amount as the Commission, by rule, may determine, effected during the

15 USC 78m.

reporting period by or for such accounts in any equity security of a class described in section 13(d)(1) of this title—

"(i) the name of the issuer and the title, class, and CUSIP number of the security;

"(ii) the number of shares or principal amount of the security involved in the transaction;

"(iii) whether the transaction was a purchase or sale;

"(iv) the per share price or prices at which the transaction was effected;

"(v) the date or dates of the transaction;

"(vi) the date or dates of the settlement of the transaction;

"(vii) the broker or dealer through whom the transaction was effected;

"(viii) the market or markets in which the transaction was effected; and

"(ix) such other related information as the Commission, by rule, may prescribe.

Exemption.

"(2) The Commission, by rule or order, may exempt, conditionally or unconditionally, any institutional investment manager or security or any class of institutional investment managers or securities from any or all of the provisions of this subsection or the rules thereunder.

Information, availability to public.

"(3) The Commission shall make available to the public for a reasonable fee a list of all equity securities of a class described in section 13(d)(1) of this title, updated no less frequently than reports are required to be filed pursuant to paragraph (1) of this subsection. The Commission shall tabulate the information contained in any report filed pursuant to this subsection in a manner which will, in the view of the Commission, maximize the usefulness of the information to other Federal and State authorities and the public. Promptly after the filing of any such report, the Commission shall make the information contained therein conveniently available to the public for a reasonable fee in such form as the Commission, by rule, may prescribe, except that the Commission, as it determines to be necessary or appropriate in the public interest or for the protection of investors, may delay or prevent public disclosure of any such information in accordance with section 552 of title 5, United States Code. Notwithstanding the preceding sentence, any such information identifying the securities held by the account of a natural person or an estate or trust (other than a business trust or investment company) shall not be disclosed to the public.

"(4) In exercising its authority under this subsection, the Commission shall determine (and so state) that its action is necessary or appropriate in the public interest and for the protection of investors or to maintain fair and orderly markets or, in granting an exemption, that its action is consistent with the protection of investors and the purposes of this subsection. In exercising such authority the Commission shall take such steps as are within its power, including consulting with the Comptroller General of the United States, the Director of the Office of Management and Budget, the appropriate regulatory agencies, Federal and State authorities which, directly or indirectly, require reports from institutional investment managers of information substantially similar to that called for by this subsection, national securities exchanges, and registered securities associations, (A) to achieve uniform, centralized reporting of information concerning the securities holdings of and transactions by or for accounts with respect to which institutional investment managers exercise investment discretion, and (B) consistently with the objective set forth in the preceding subparagraph, to avoid unnecessarily duplicative reporting by, and minimize the compliance burden on, institutional investment managers. Federal authorities which, directly or indirectly, require reports from institutional investment managers of information sub-

Consultation.

stantially similar to that called for by this subsection shall cooperate with the Commission in the performance of its responsibilities under the preceding sentence. An institutional investment manager which is a bank, the deposits of which are insured in accordance with the Federal Deposit Insurance Act, shall file with the appropriate regulatory agency a copy of every report filed with the Commission pursuant to this subsection.

Copies of reports, filing.
12 USC 1811 note.

"(5)(A) For purposes of this subsection the term 'institutional investment manager' includes any person, other than a natural person, investing in or buying and selling securities for its own account, and any person exercising investment discretion with respect to the account of any other person.

"Institution investment manager."

"(B) The Commission shall adopt such rules as it deems necessary or appropriate to prevent duplicative reporting pursuant to this subsection by two or more institutional investment managers exercising investment discretion with respect to the same amount.".

Rules.

SEC. 11. Section 15 of the Securities Exchange Act of 1934 (15 U.S.C. 78o) is amended as follows:

Registration and regulation of brokers and dealers.

(1) The title thereof is amended to read: "REGISTRATION AND REGULATION OF BROKERS AND DEALERS".

(2) Subsections (a) and (b) thereof are amended to read as follows:

"(a)(1) It shall be unlawful for any broker or dealer which is either a person other than a natural person or a natural person not associated with a broker or dealer which is a person other than a natural person (other than such a broker or dealer whose business is exclusively intrastate and who does not make use of any facility of a national securities exchange) to make use of the mails or any means or instrumentality of interstate commerce to effect any transactions in, or to induce or attempt to induce the purchase or sale of, any security (other than an exempted security or commercial paper, bankers' acceptances, or commercial bills) unless such broker or dealer is registered in accordance with subsection (b) of this section.

"(2) The Commission, by rule or order, as it deems consistent with the public interest and the protection of investors, may conditionally or unconditionally exempt from paragraph (1) of this subsection any broker or dealer or class of brokers or dealers specified in such rule or order.

Exemption.

"(b)(1) A broker or dealer may be registered by filing with the Commission an application for registration in such form and containing such information and documents concerning such broker or dealer and any persons associated with such broker or dealer as the Commission, by rule, may prescribe as necessary or appropriate in the public interest or for the protection of investors. Within forty-five days of the date of the filing of such application (or within such longer period as to which the applicant consents), the Commission shall—

"(A) by order grant registration, or

"(B) institute proceedings to determine whether registration should be denied. Such proceedings shall include notice of the grounds for denial under consideration and opportunity for hearing and shall be concluded within one hundred twenty days of the date of the filing of the application for registration. At the conclusion of such proceedings, the Commission, by order, shall grant or deny such registration. The Commission may extend the time for conclusion of such proceedings for up to ninety days if it finds good cause for such extension and publishes its reasons for so finding or for such longer period as to which the applicant consents.

The Commission shall grant such registration if the Commission finds that the requirements of this section are satisfied. The Commis-

sion shall deny such registration if it does not make such a finding or if it finds that if the applicant were so registered, its registration would be subject to suspension or revocation under paragraph (4) of this subsection.

"(2)(A) An application for registration of a broker or dealer to be formed or organized may be made by a broker or dealer to which the broker or dealer to be formed or organized is to be the successor. Such application, in such form as the Commission, by rule, may prescribe, shall contain such information and documents concerning the applicant, the successor, and any persons associated with the applicant or the successor, as the Commission, by rule, may prescribe as necessary or appropriate in the public interest or for the protection of investors. The grant or denial of registration to such an applicant shall be in accordance with the procedures set forth in paragraph (1) of this subsection. If the Commission grants such registration, the registration shall terminate on the forty-fifth day after the effective date thereof, unless prior thereto the successor shall, in accordance with such rules and regulations as the Commission may prescribe, adopt the application for registration as its own.

"(B) Any person who is a broker or dealer solely by reason of acting as a municipal securities dealer or municipal securities broker, who so acts through a separately identifiable department or division, and who so acted in such a manner on the date of enactment of the Securities Acts Amendments of 1975, may, in accordance with such terms and conditions as the Commission, by rule, prescribes as necessary and appropriate in the public interest and for the protection of investors, register such separately identifiable department or division in accordance with this subsection. If any such department or division is so registered, the department or division and not such person himself shall be the broker or dealer for purposes of this title.

"(C) Within six months of the date of the granting of registration to a broker or dealer, the Commission, or upon the authorization and direction of the Commission, a registered securities association or national securities exchange of which such broker or dealer is a member, shall conduct an inspection of the broker or dealer to determine whether it is operating in conformity with the provisions of this title and the rules and regulations thereunder: *Provided, however*, That the Commission may delay such inspection of any class of brokers or dealers for a period not to exceed six months.

15 USC 78e.

"(3) Any provision of this title (other than section 5 and subsection (a) of this section) which prohibits any act, practice, or course of business if the mails or any means or instrumentality of interstate commerce is used in connection therewith shall also prohibit any such act, practice, or course of business by any registered broker or dealer or any person acting on behalf of such a broker or dealer, irrespective of any use of the mails or any means or instrumentality of interstate commerce in connection therewith.

Suspension or revocation of registration. Notice and hearing.

"(4) The Commission, by order, shall censure, place limitations on the activities, functions, or operations of, suspend for a period not exceeding twelve months, or revoke the registration of any broker or dealer if it finds, on the record after notice and opportunity for hearing, that such censure, placing of limitations, suspension, or revocation is in the public interest and that such broker or dealer, whether prior or subsequent to becoming such, or any person associated with such broker or dealer, whether prior or subsequent to becoming so associated—

"(A) has willfully made or caused to be made in any application for registration or report required to be filed with the Commission under this title, or in any proceeding before the Com-

mission with respect to registration, any statement which was at the time and in the light of the circumstances under which it was made false or misleading with respect to any material fact, or has omitted to state in any such application or report any material fact which is required to be stated therein.

"(B) has been convicted within ten years preceding the filing of any application for registration or at any time thereafter of any felony or misdemeanor which the Commission finds—

"(i) involves the purchase or sale of any security, the taking of a false oath, the making of a false report, bribery, perjury, burglary, or conspiracy to commit any such offense;

"(ii) arises out of the conduct of the business of a broker, dealer, municipal securities dealer, investment adviser, bank, insurance company, or fiduciary;

"(iii) involves the larceny, theft, robbery, extortion, forgery, counterfeiting, fraudulent concealment, embezzlement, fraudulent conversion, or misappropriation of funds, or securities; or

"(iv) involves the violation of section 152, 1341, 1342, or 1343 or chapter 25 or 47 of title 18, United States Code. 18 USC 471 *et seq.*, 1001 *et seq.*

"(C) is permanently or temporarily enjoined by order, judgment, or decree of any court of competent jurisdiction from acting as an investment adviser, underwriter, broker, dealer, or municipal securities dealer, or as an affiliated person or employee of any investment company, bank, or insurance company, or from engaging in or continuing any conduct or practice in connection with any such activity, or in connection with the purchase or sale of any security.

"(D) has willfully violated any provision of the Securities Act of 1933, the Investment Advisers Act of 1940, the Investment Company Act of 1940, this title, the rules or regulations under any of such statutes, or the rules of the Municipal Securities Rulemaking Board, or is unable to comply with any such provision. 15 USC 77a. 15 USC 80b-20. 15 USC 80a-51.

"(E) has willfully aided, abetted, counseled, commanded, induced, or procured the violation by any other person of any provision of the Securities Act of 1933, the Investment Advisers Act of 1940, the Investment Company Act of 1940, this title, the rules or regulations under any of such statutes, or the rules of the Municipal Securities Rulemaking Board, or has failed reasonably to supervise, with a view to preventing violations of the provisions of such statutes, rules, and regulations, another person who commits such a violation, if such other person is subject to his supervision. For the purposes of this subparagraph (E) no person shall be deemed to have failed reasonably to supervise any other person, if—

"(i) there have been established procedures, and a system for applying such procedures, which would reasonably be expected to prevent and detect, insofar as practicable, any such violation by such other person, and

"(ii) such person has reasonably discharged the duties and obligations incumbent upon him by reason of such procedures and system without reasonable cause to believe that such procedures and system were not being complied with.

"(F) is subject to an order of the Commission entered pursuant to paragraph (6) of this subsection (b) barring or suspending the right of such person to be associated with a broker or dealer.

"(5) Pending final determination whether any registration under this subsection shall be revoked, the Commission, by order, may Suspension. Notice and hearing.

suspend such registration, if such suspension appears to the Commission, after notice and opportunity for hearing, to be necessary or appropriate in the public interest or for the protection of investors. Any registered broker or dealer may, upon such terms and conditions as the Commission deems necessary or appropriate in the public interest or for the protection of investors, withdraw from registration by filing a written notice of withdrawal with the Commission. If the Commission finds that any registered broker or dealer is no longer in existence or has ceased to do business as a broker or dealer, the Commission, by order, shall cancel the registration of such broker or dealer.

Notice and hearing.

"(6) The Commission, by order, shall censure or place limitations on the activities or functions of any person associated, or seeking to become associated, with a broker or dealer, or suspend for a period not exceeding twelve months or bar any such person from being associated with a broker or dealer, if the Commission finds, on the record after notice and opportunity for hearing, that such censure, placing of limitations, suspension, or bar is in the public interest and that such person has committed or omitted any act or omission enumerated in subparagraph (A), (D), or (E) of paragraph (4) of this subsection, has been convicted of any offense specified in subparagraph (B) of said paragraph (4) within ten years of the commencement of the proceedings under this paragraph, or is enjoined from any action, conduct, or practice specified in subparagraph (C) of said paragraph (4). It shall be unlawful for any person as to whom such an order suspending or barring him from being associated with a broker or dealer is in effect willfully to become, or to be, associated with a broker or dealer without the consent of the Commission, and it shall be unlawful for any broker or dealer to permit such a person to become, or remain, a person associated with him without the consent of the Commission, if such broker or dealer knew, or in the exercise of reasonable care should have known, of such order.

Standards of operational capability.

"(7) No registered broker or dealer shall effect any transaction in, or induce the purchase or sale of, any security unless such broker or dealer meets such standards of operational capability and such broker or dealer and all natural persons associated with such broker or dealer meet such standards of training, experience, competence, and such other qualifications as the Commission finds necessary or appropriate in the public interest or for the protection of investors.

Rules and regulations.

The Commission shall establish such standards by rules and regulations, which may—

"(A) specify that all or any portion of such standards shall be applicable to any class of brokers and dealers and persons associated with brokers and dealers;

"(B) require persons in any such class to pass tests prescribed in accordance with such rules and regulations, which tests shall, with respect to any class of partners, officers, or supervisory employees (which latter term may be defined by the Commission's rules and regulations and as so defined shall include branch managers of brokers or dealers) engaged in the management of the broker or dealer, include questions relating to bookkeeping, accounting, internal control over cash and securities, supervision of employees, maintenance of records, and other appropriate matters; and

"(C) provide that persons in any such class other than brokers and dealers and partners, officers, and supervisory employees of brokers or dealers, may be qualified solely on the basis of compli-

ance with such standards of training and such other qualifications as the Commission finds appropriate.

Fees and charges.

The Commission, by rule, may prescribe reasonable fees and charges to defray its costs in carrying out this paragraph, including, but not limited to, fees for any test administered by it or under its direction. The Commission may cooperate with registered securities associations and national securities exchanges in devising and administering tests and may require registered brokers and dealers and persons associated with such brokers and dealers to pass tests administered by or on behalf of any such association or exchange and to pay such association or exchange reasonable fees or charges to defray the costs incurred by such association or exchange in administering such tests.

Additional fees.

"(8) In addition to the fees and charges authorized by paragraph (7) of this subsection, each registered broker or dealer not a member of a registered securities association shall pay to the Commission such reasonable fees and charges as may be necessary to defray the costs of the additional regulatory duties required to be performed by the Commission because such broker or dealer effects transactions in securities otherwise than on a national securities exchange of which it is a member and is not a member of a registered securities association. The Commission, by rule, shall establish such fees and charges.

"(9) No broker or dealer subject to paragraph (8) of this subsection shall effect any transaction in, or induce the purchase or sale of, any security (otherwise than on a national securities exchange of which it is a member) in contravention of such rules and regulations as the Commission may prescribe designed to promote just and equitable principles of trade. to remove impediments to and perfect the mechanism of a free and open market and a national market system, and, in general, to protect investors and the public interest.

"Commission."

"(10) For the purposes of determining whether a person is subject to a statutory disqualification under section 6(c)(2), 15A(g)(2), or 17A(b)(4)(B) of this title, the term 'Commission' in paragraph (4)(B) of this subsection shall mean 'exchange', 'association', or 'clearing agency', respectively.".

Ante, p. 104; *Post*, pp. 127, 141.

15 USC 78o.

(3) Paragraphs (1), (2), and (3) of subsection (c) thereof are amended to read as follows:

Manipulative or fraudulent devices.

"(c)(1) No broker or dealer shall make use of the mails or any means or instrumentality of interstate commerce to effect any transaction in, or to induce or attempt to induce the purchase or sale of, any security (other than commercial paper, bankers' acceptances, or commercial bills) otherwise than on a national securities exchange of which it is a member by means of any manipulative, deceptive, or other fraudulent device or contrivance, and no municipal securities dealer shall make use of the mails or any means or instrumentality of interstate commerce to effect any transaction in, or to induce or attempt to induce the purchase or sale of, any municipal security by means of any manipulative, deceptive, or other fraudulent device or contrivance. The Commission shall, for the purposes of this paragraph, by rules and regulations define such devices or contrivances as are manipulative, deceptive, or otherwise fraudulent.

Manipulative or fraudulent acts.

"(2) No broker or dealer shall make use of the mails or any means or instrumentality of interstate commerce to effect any transaction in, or to induce or attempt to induce the purchase or sale of, any security (other than an exempted security or commercial paper, bankers' acceptances, or commercial bills) otherwise than on a national securities exchange of which it is a member, in connection with which such broker or dealer engages in any fraudulent, deceptive, or manipulative act or practice, or makes any fictitious quotation, and no municipal securities dealer shall make use of the mails or any means

or instrumentality of interstate commerce to effect any transaction in, or to induce or attempt to induce the purchase or sale of, any municipal security in connection with which such municipal securities dealer engages in any fraudulent, deceptive, or manipulative act or practice, or makes any fictitious quotation. The Commission shall, for the purposes of this paragraph, by rules and regulations define, and prescribe means reasonably designed to prevent, such acts and practices as are fraudulent, deceptive, or manipulative and such quotations as are fictitious.

"(3) No broker or dealer shall make use of the mails or any means or instrumentality of interstate commerce to effect any transaction in, or to induce or attempt to induce the purchase or sale of, any security (other than an exempted security or commercial paper, bankers' acceptances, or commercial bills) in contravention of such rules and regulations as the Commission shall prescribe as necessary or appropriate in the public interest or for the protection of investors to provide safeguards with respect to the financial responsibility and related practices of brokers and dealers including, but not limited to, the acceptance of custody and use of customers' securities and the carrying and use of customers' deposits or credit balances. Such rules and regulations shall (A) require the maintenance of reserves with respect to customers' deposits or credit balances, and (B) no later than September 1, 1975, establish minimum financial responsibility requirements for all brokers and dealers.".

15 USC 78o. (4) Paragraph (5) of subsection (c) thereof is amended to read as follows:

"(5) No dealer (other than a specialist registered on a national securities exchange) acting in the capacity of market maker or otherwise shall make use of the mails or any means or instrumentality of interstate commerce to effect any transaction in, or to induce or attempt to induce the purchase or sale of, any security (other than an exempted security or a municipal security) in contravention of such specified and appropriate standards with respect to dealing as the Commission, by rule, shall prescribe as necessary or appropriate in the public interest and for the protection of investors, to maintain fair and orderly markets, or to remove impediments to and perfect the mechanism of a national market system. Under the rules of the Commission a dealer in a security may be prohibited from acting as a broker in that security.".

(5) Subsection (c) thereof is further amended by adding at the end thereof the following new paragraph:

"(6) No broker or dealer shall make use of the mails or any means or instrumentality of interstate commerce to effect any transaction in, or to induce or attempt to induce the purchase or sale of, any security (other than an exempted security, municipal security, commercial paper, bankers' acceptances, or commercial bills) in contravention of such rules and regulations as the Commission shall prescribe as necessary or appropriate in the public interest and for the protection of investors or to perfect or remove impediments to a national system for the prompt and accurate clearance and settlement of securities transactions, with respect to the time and method of, and the form and format of documents used in connection with, making settlements of and payments for transactions in securities, making transfers and deliveries of securities, and closing accounts. Nothing in this paragraph shall be construed (A) to affect the authority of the Board of Governors of the Federal Reserve System, pursuant to section 7 of this title, to prescribe rules and regulations for the purpose of preventing the excessive use of credit for the purchase or carrying of securities, or (B) to authorize the Commission to prescribe rules or regulations for such purpose.".

15 USC 78g.

(6) The section is further amended by adding at the end thereof the following new subsection: 15 USC 78o.

"(e) The Commission, by rule, as it deems necessary or appropriate in the public interest and for the protection of investors or to assure equal regulation, may require any member of a national securities exchange not required to register under section 15 of this title and any person associated with any such member to comply with any provision of this title (other than section 15(a)) or the rules or regulations thereunder which by its terms regulates or prohibits any act, practice, or course of business by a 'broker or dealer' or 'registered broker or dealer' or a 'person associated with a broker or dealer,' respectively.". *Ante*, p. 121.

SEC. 12. Section 15A of the Securities Exchange Act of 1934 (15 U.S.C. 78o-3) is amended as follows: Registered securities associations.

(1) The title thereof is amended to read: "REGISTERED SECURITIES ASSOCIATIONS".

(2) Subsections (a) and (b) thereof are amended to read as follows:

"(a) An association of brokers and dealers may be registered as a national securities association pursuant to subsection (b), or as an affiliated securities association pursuant to subsection (d), under the terms and conditions hereinafter provided in this section and in accordance with the provisions of section 19(a) of this title, by filing with the Commission an application for registration in such form as the Commission, by rule, may prescribe containing the rules of the association and such other information and documents as the Commission, by rule, may prescribe as necessary or appropriate in the public interest or for the protection of investors. *Post*, p. 146.

"(b) An association of brokers and dealers shall not be registered as a national securities association unless the Commission determines that—

"(1) By reason of the number and geographical distribution of its members and the scope of their transactions, such association will be able to carry out the purposes of this section.

"(2) Such association is so organized and has the capacity to be able to carry out the purposes of this title and to comply, and (subject to any rule or order of the Commission pursuant to section 17(d) or 19(g)(2) of this title) to enforce compliance by its members and persons associated with its members, with the provisions of this title, the rules and regulations thereunder, the rules of the Municipal Securities Rulemaking Board, and the rules of the association. *Post*, p. 137.

"(3) Subject to the provisions of subsection (g) of this section, the rules of the association provide that any registered broker or dealer may become a member of such association and any person may become associated with a member thereof.

"(4) The rules of the association assure a fair representation of its members in the selection of its directors and administration of its affairs and provide that one or more directors shall be representative of issuers and investors and not be associated with a member of the association, broker, or dealer.

"(5) The rules of the association provide for the equitable allocation of reasonable dues, fees, and other charges among members and issuers and other persons using any facility or system which the association operates or controls.

"(6) The rules of the association are designed to prevent fraudulent and manipulative acts and practices, to promote just and equitable principles of trade, to foster cooperation and coordination with persons engaged in regulating, clearing, settling, processing information with respect to, and facilitating transactions

in securities, to remove impediments to and perfect the mechanism of a free and open market and a national market system, and, in general, to protect investors and the public interest; and are not designed to permit unfair discrimination between customers, issuers, brokers, or dealers, to fix minimum profits, to impose any schedule or fix rates of commissions, allowances, discounts, or other fees to be charged by its members, or to regulate by virtue of any authority conferred by this title matters not related to the purposes of this title or the administration of the association.

"(7) The rules of the association provide that (subject to any rule or order of the Commission pursuant to section 17(d) or 19(g)(2) of this title) its members and persons associated with its members shall be appropriately disciplined for violation of any provision of this title, the rules or regulations thereunder, the rules of the Municipal Securities Rulemaking Board, or the rules of the association, by expulsion, suspension, limitation of activities, functions, and operations, fine, censure, being suspended or barred from being associated with a member, or any other fitting sanction.

Post, pp. 137, 146.

"(8) The rules of the association are in accordance with the provisions of subsection (h) of this section, and, in general, provide a fair procedure for the disciplining of members and persons associated with members, the denial of membership to any person seeking membership therein, the barring of any person from becoming associated with a member thereof, and the prohibition or limitation by the association of any person with respect to access to services offered by the association or a member thereof.

"(9) The rules of the association do not impose any burden on competition not necessary or appropriate in furtherance of the purposes of this title.

"(10) The requirements of subsection (c), insofar as these may be applicable, are satisfied.

"(11) The rules of the association include provisions governing the form and content of quotations relating to securities sold otherwise than on a national securities exchange which may be distributed or published by any member or person associated with a member, and the persons to whom such quotations may be supplied. Such rules relating to quotations shall be designed to produce fair and informative quotations, to prevent fictitious or misleading quotations, and to promote orderly procedures for collecting, distributing, and publishing quotations.".

15 USC 78o-3.

(3) The section is amended by striking out subsections (e), (f), (g), (h), (j), (k), (l), and (n) thereof, redesignating subsections (i) and (m) thereof as subsections (e) and (f), respectively, and amending redesignated subsection (e) to read as follows:

"(e)(1) The rules of a registered securities association may provide that no member thereof shall deal with any nonmember professional (as defined in paragraph (2) of this subsection) except at the same prices, for the same commissions or fees, and on the same terms and conditions as are by such member accorded to the general public.

"Nonmember professional."

"(2) For the purposes of this subsection, the term 'nonmember professional' shall include (A) with respect to transactions in securities other than municipal securities, any registered broker or dealer who is not a member of any registered securities association, except such a broker or dealer who deals exclusively in commercial paper, bankers' acceptances, and commercial bills, and (B) with respect to transactions in municipal securities, any municipal securities dealer (other than a bank or division or department of a bank) who is not a member

of any registered securities association and any municipal securities broker who is not a member of any such association.

"(3) Nothing in this subsection shall be so construed or applied as to prevent (A) any member of a registered securities association from granting to any other member of any registered securities association any dealer's discount, allowance, commission, or special terms, in connection with the purchase or sale of securities, or (B) any member of a registered securities association or any municipal securities dealer which is a bank or a division or department of a bank from granting to any member of any registered securities association or any such municipal securities dealer any dealer's discount, allowance, commission, or special terms in connection with the purchase or sale of municipal securities: *Provided, however*, That the granting of any such discount, allowance, commission, or special terms in connection with the purchase or sale of municipal securities shall be subject to rules of the Municipal Securities Rulemaking Board adopted pursuant to section 15B(b)(2)(K) of this title.".

Post, p. 131.

(4) The section is further amended by adding at the end thereof the following new subsections:

Membership denial.
15 USC 78*o*-3.

"(g)(1) A registered securities association shall deny membership to any person who is not a registered broker or dealer.

"(2) A registered securities association may, and in cases in which the Commission, by order, directs as necessary or appropriate in the public interest or for the protection of investors shall, deny membership to any registered broker or dealer, and bar from becoming associated with a member any person, who is subject to a statutory disqualification. A registered securities association shall file notice with the Commission not less than thirty days prior to admitting any registered broker or dealer to membership or permitting any person to become associated with a member, if the association knew, or in the exercise of reasonable care should have known, that such broker or dealer or person was subject to a statutory disqualification. The notice shall be in such form and contain such information as the Commission, by rule, may prescribe as necessary or appropriate in the public interest or for the protection of investors.

Notice.

"(3)(A) A registered securities association may deny membership to, or condition the membership of, a registered broker or dealer if (i) such broker or dealer does not meet such standards of financial responsibility or operational capability or such broker or dealer or any natural person associated with such broker or dealer does not meet such standards of training, experience, and competence as are prescribed by the rules of the association or (ii) such broker or dealer or person associated with such broker or dealer has engaged and there is a reasonable likelihood he will again engage in acts or practices inconsistent with just and equitable principles of trade. A registered securities association may examine and verify the qualifications of an applicant to become a member and the natural persons associated with such an applicant in accordance with procedures established by the rules of the association.

"(B) A registered securities association may bar a natural person from becoming associated with a member or condition the association of a natural person with a member if such natural person (i) does not meet such standards of training, experience, and competence as are prescribed by the rules of the association or (ii) has engaged and there is a reasonable likelihood he will again engage in acts or practices inconsistent with just and equitable principles of trade. A registered securities association may examine and verify the qualifications of an applicant to become a person associated with a member in accordance with procedures established by the rules of the association and require

a natural person associated with a member, or any class of such natural persons, to be registered with the association in accordance with procedures so established.

"(C) A registered securities association may bar any person from becoming associated with a member if such person does not agree (i) to supply the association with such information with respect to its relationship and dealings with the member as may be specified in the rules of the association and (ii) to permit examination of its books and records to verify the accuracy of any information so supplied.

"(4) A registered securities association may deny membership to a registered broker or dealer not engaged in a type of business in which the rules of the association require members to be engaged: *Provided, however*, That no registered securities association may deny membership to a registered broker or dealer by reason of the amount of such type of business done by such broker or dealer or the other types of business in which he is engaged.

Disciplinary proceedings, notice.

"(h)(1) In any proceeding by a registered securities association to determine whether a member or person associated with a member should be disciplined (other than a summary proceeding pursuant to paragraph (3) of this subsection) the association shall bring specific charges, notify such member or person of, and give him an opportunity to defend against, such charges, and keep a record. A determination by the association to impose a disciplinary sanction shall be supported by a statement setting forth—

Statement.

"(A) any act or practice in which such member or person associated with a member has been found to have engaged, or which such member or person has been found to have omitted;

"(B) the specific provision of this title, the rules or regulations thereunder, the rules of the Municipal Securities Rulemaking Board, or the rules of the association which any such act or practice, or omission to act, is deemed to violate; and

"(C) the sanction imposed and the reason therefor.

Notice and hearing.

"(2) In any proceeding by a registered securities association to determine whether a person shall be denied membership, barred from becoming associated with a member, or prohibited or limited with respect to access to services offered by the association or a member thereof (other than a summary proceeding pursuant to paragraph (3) of this subsection), the association shall notify such person of and give him an opportunity to be heard upon, the specific grounds for denial, bar, or prohibition or limitation under consideration and keep a record. A determination by the association to deny membership, bar a person from becoming associated with a member, or prohibit or limit a person with respect to access to services offered by the association or a member thereof shall be supported by a statement setting forth the specific grounds on which the denial, bar, or prohibition or limitation is based.

Summary suspension.

"(3) A registered securities association may summarily (A) suspend a member or person associated with a member who has been and is expelled or suspended from any self-regulatory organization or barred or suspended from being associated with a member of any self-regulatory organization, (B) suspend a member who is in such financial or operating difficulty that the association determines and so notifies the Commission that the member cannot be permitted to continue to do business as a member with safety to investors, creditors, other members, or the association, or (C) limit or prohibit any person with respect to access to services offered by the association if subparagraph (A) or (B) of this paragraph is applicable to such person or, in the case of a person who is not a member, if the associa-

tion determines that such person does not meet the qualification requirements or other prerequisites for such access and such person cannot be permitted to continue to have such access with safety to investors, creditors, members, or the association. Any person aggrieved by any such summary action shall be promptly afforded an opportunity for a hearing by the association in accordance with the provisions of paragraph (1) or (2) of this subsection. The Commission, by order, may stay any such summary action on its own motion or upon application by any person aggrieved thereby, if the Commission determines summarily or after notice and opportunity for hearing (which hearing may consist solely of the submission of affidavits or presentation of oral arguments) that such stay is consistent with the public interest and the protection of investors.".

Notice and hearing.

SEC. 13. The Securities Exchange Act of 1934 is amended by inserting after section 15A (15 U.S.C. 78o–3) the following new section:

"MUNICIPAL SECURITIES

"SEC. 15B. (a) (1) It shall be unlawful for any municipal securities dealer (other than one registered as a broker or dealer under section 15 of this title) to make use of the mails or any means or instrumentality of interstate commerce to effect any transaction in, or to induce or attempt to induce the purchase or sale of, any municipal security unless such municipal securities dealer is registered in accordance with this subsection.

Dealer registration. 15 USC 78o-4. *Ante*, p. 121.

"(2) A municipal securities dealer may be registered by filing with the Commission an application for registration in such form and containing such information and documents concerning such municipal securities dealer and any persons associated with such municipal securities dealer as the Commission, by rule, may prescribe as necessary or appropriate in the public interest or for the protection of investors. Within forty-five days of the date of the filing of such application (or within such longer period as to which the applicant consents), the Commission shall—

Application filing.

"(A) by order grant registration, or

"(B) institute proceedings to determine whether registration should be denied. Such proceedings shall include notice of the grounds for denial under consideration and opportunity for hearing and shall be concluded within one hundred twenty days of the date of the filing of the application for registration. At the conclusion of such proceedings the Commission, by order, shall grant or deny such registration. The Commission may extend the time for the conclusion of such proceedings for up to ninety days if it finds good cause for such extension and publishes its reasons for so finding or for such longer period as to which the applicant consents.

The Commission shall grant the registration of a municipal securities dealer if the Commission finds that the requirements of this section are satisfied. The Commission shall deny such registration if it does not make such a finding or if it finds that if the applicant were so registered, its registration would be subject to suspension or revocation under subsection (c) of this section.

"(3) Any provision of this title (other than section 5 or paragraph (1) of this subsection) which prohibits any act, practice, or course of business if the mails or any means or instrumentality of interstate commerce is used in connection therewith shall also prohibit any such act, practice, or course of business by any registered municipal securities dealer or any person acting on behalf of such municipal

15 USC 78e.

securities dealer, irrespective of any use of the mails or any means or instrumentality of interstate commerce in connection therewith.

Exemption.

"(4) The Commission, by rule or order, upon its own motion or upon application, may conditionally or unconditionally exempt any broker, dealer, or municipal securities dealer or class of brokers, dealers, or municipal securities dealers from any provision of this section or the rules or regulations thereunder, if the Commission finds that such exemption is consistent with the public interest, the protection of investors, and the purposes of this section.

Municipal Securities Rulemaking Board. Establishment; membership. Term.

"(b)(1) Not later than one hundred twenty days after the date of enactment of the Securities Acts Amendments of 1975, the Commission shall establish a Municipal Securities Rulemaking Board (hereinafter in this section referred to as the 'Board'), to be composed initially of fifteen members appointed by the Commission, which shall perform the duties set forth in this section. The initial members of the Board shall serve as members for a term of two years, and shall consist of (A) five individuals who are not associated with any broker, dealer, or municipal securities dealer, at least one of whom shall be representative of investors in municipal securities, and at least one of whom shall be representative of issuers of municipal securities (which members are hereinafter referred to as 'public representatives'); (B) five individuals who are associated with and representative of municipal securities brokers and municipal securities dealers which are not banks or subsidiaries or departments or divisions of banks (which members are hereinafter referred to as 'broker-dealer representatives'); and (C) five individuals who are associated with and representative of municipal securities dealers which are banks or subsidiaries or departments or divisions of banks (which members are hereinafter referred to as 'bank representatives'). Prior to the expiration of the terms of office of the initial members of the Board, an election shall be held under rules adopted by the Board (pursuant to subsection (b)(2)(B) of this section) of the members to succeed such initial members.

Rules.

"(2) The Board shall propose and adopt rules to effect the purposes of this title with respect to transactions in municipal securities effected by brokers, dealers, and municipal securities dealers. (Such rules are hereinafter collectively referred to in this title as 'rules of the Board'.) The rules of the Board, as a minimum, shall:

"(A) provide that no municipal securities broker or municipal securities dealer shall effect any transaction in, or induce or attempt to induce the purchase or sale of, any municipal security unless such municipal securities broker or municipal securities dealer meets such standards of operational capability and such municipal securities broker or municipal securities dealer and every natural person associated with such municipal securities broker or municipal securities dealer meet such standards of training, experience, competence, and such other qualifications as the Board finds necessary or appropriate in the public interest or for the protection of investors. In connection with the definition and application of such standards the Board may—

"(i) appropriately classify municipal securities brokers and municipal securities dealers (taking into account relevant matters, including types of business done, nature of securities other than municipal securities sold, and character of business organization), and persons associated with municipal securities brokers and municipal securities dealers;

"(ii) specify that all or any portion of such standards shall be applicable to any such class;

"(iii) require persons in any such class to pass tests administered in accordance with subsection (c)(7) of this section; and

"(iv) provide that persons in any such class other than municipal securities brokers and municipal securities dealers and partners, officers, and supervisory employees of municipal securities brokers or municipal securities dealers, may be qualified solely on the basis of compliance with such standards of training and such other qualifications as the Board finds appropriate.

"(B) establish fair procedures for the nomination and election of members of the Board and assure fair representation in such nominations and elections of municipal securities brokers and municipal securities dealers. Such rules shall provide that the membership of the Board shall at all times be equally divided among public representatives, broker-dealer representatives, and bank representatives, and that the public representatives shall be subject to approval by the Commission to assure that no one of them is associated with any broker, dealer, or municipal securities dealer and that at least one is representative of investors in municipal securities and at least one is representative of issuers of municipal securities. Such rules shall also specify the term members shall serve and may increase the number of members which shall constitute the whole Board provided that such number is an odd number.

"(C) be designed to prevent fraudulent and manipulative acts and practices, to promote just and equitable principles of trade, to foster cooperation and coordination with persons engaged in regulating, clearing, settling, processing information with respect to, and facilitating transactions in municipal securities, to remove impediments to and perfect the mechanism of a free and open market in municipal securities, and, in general, to protect investors and the public interest; and not be designed to permit unfair discrimination between customers, issuers, municipal securities brokers, or municipal securities dealers, to fix minimum profits, to impose any schedule or fix rates of commissions, allowances, discounts, or other fees to be charged by municipal securities brokers or municipal security dealers, to regulate by virtue of any authority conferred by this title matters not related to the purposes of this title or the securities or the administration of the Board, or to impose any burden or competition not necessary or appropriate in furtherance of the purposes of this title.

"(D) if the Board deems appropriate, provide for the arbitration of claims, disputes, and controversies relating to transactions in municipal securities: *Provided, however*, That no person other than a municipal securities broker, municipal securities dealer, or person associated with such a municipal securities broker or municipal securities dealer may be compelled to submit to such arbitration except at his instance and in accordance with sectic 29 of this title. 15 USC 78cc.

"(E) provide for the periodic examination in accordance with subsection (c)(7) of this section of municipal securities brokers and municipal securities dealers to determine compliance with applicable provisions of this title, the rules and regulations thereunder, and the rules of the Board. Such rules shall specify the minimum scope and frequency of such examinations and shall be designed to avoid unnecessary regulatory duplication or undue

regulatory burdens for any such municipal securities broker or municipal securities dealer.

"(F) include provisions governing the form and content of quotations relating to municipal securities which may be distributed or published by any municipal securities broker, municipal securities dealer, or person associated with such a municipal securities broker or municipal securities dealer, and the persons to whom such quotations may be supplied. Such rules relating to quotations shall be designed to produce fair and informative quotations, to prevent fictitious or misleading quotations, and to promote orderly procedures for collecting, distributing, and publishing quotations.

Recordkeeping.

"(G) prescribe records to be made and kept by municipal securities brokers and municipal securities dealers and the periods for which such records shall be preserved.

"(H) define the term 'separately identifiable department or division', as that term is used in section 3(a)(30) of this title, in accordance with specified and appropriate standards to assure that a bank is not deemed to be engaged in the business of buying and selling municipal securities through a separately identifiable department or division unless such department or division is organized and administered so as to permit independent examination and enforcement of applicable provisions of this title, the rules and regulations thereunder, and the rules of the Board. A separately identifiable department or division of a bank may be engaged in activities other than those relating to municipal securities.

Ante, p. 97.

"(I) provide for the operation and administration of the Board, including the selection of a Chairman from among the members of the Board, the compensation of the members of the Board, and the appointment and compensation of such employees, attorneys, and consultants as may be necessary or appropriate to carry out the Board's functions under this section.

Fees.

"(J) provide that each municipal securities broker and each municipal securities dealer shall pay to the Board such reasonable fees and charges as may be necessary or appropriate to defray the costs and expenses of operating and administering the Board. Such rules shall specify the amount of such fees and charges.

"(K) establish the terms and conditions under which any municipal securities dealer may sell, or prohibit any municipal securities dealer from selling, any part of a new issue of municipal securities to a municipal securities investment portfolio during the underwriting period.

"(3) Nothing in this section shall be construed to impair or limit the power of the Commission under this title.

Use of mail or instrumentality of interstate commerce, prohibition.

"(c)(1) No broker, dealer, or municipal securities dealer shall make use of the mails or any means or instrumentality of interstate commerce to effect any transaction in, or to induce or attempt to induce the purchase or sale of, any municipal security in contravention of any rule of the Board.

Notice and hearing.

"(2) The Commission, by order, shall censure, place limitations on the activities, functions, or operations, suspend for a period not exceeding twelve months, or revoke the registration of any municipal securities dealer, if it finds, on the record after notice and opportunity for hearing, that such censure, placing of limitations, denial, suspension, or revocation, is in the public interest and that such municipal securities dealer has committed or omitted any act or omission

enumerated in subparagraph (A), (D), or (E) of paragraph (4) of section 15(b) of this title, has been convicted of any offense specified in subparagraph (B) of such paragraph (4) within ten years of the commencement of the proceedings under this paragraph, or is enjoined from any action, conduct, or practice specified in subparagraph (C) of such paragraph (4). *Ante*, p. 121.

"(3) Pending final determination whether any registration under this section shall be revoked, the Commission, by order, may suspend such registration, if such suspension appears to the Commission, after notice and opportunity for hearing, to be necessary or appropriate in the public interest or for the protection of investors. Any registered municipal securities dealer may, upon such terms and conditions as the Commission may deem necessary in the public interest or for the protection of investors, withdraw from registration by filing a written notice of withdrawal with the Commission. If the Commission finds that any registered municipal securities dealer is no longer in existence or has ceased to do business as a municipal securities dealer, the Commission, by order, shall cancel the registration of such municipal securities dealer. Registration, suspension. Notice and hearing.

"(4) The Commission, by order, shall censure any person associated, or seeking to become associated with, a municipal securities dealer or suspend for a period not exceeding twelve months or bar any such person from being associated with a municipal securities dealer, if the Commission finds, on the record after notice and opportunity for hearing, that such censure, suspension, or bar is in the public interest and that such person has committed or omitted any act or omission enumerated in subparagraph (A), (D), or (E) of paragraph (4) of section 15(b) of this title, has been convicted of any offense specified in subparagraph (B) of such paragraph (4) within ten years of the commencement of the proceedings under this paragraph, or is enjoined from any action, conduct, or practice specified in subparagraph (C) of such paragraph (4). It shall be unlawful for any person as to whom an order entered pursuant to this paragraph or paragraph (5) of this subsection suspending or barring him from being associated with a municipal securities dealer is in effect willfully to become, or to be, associated with a municipal securities dealer without the consent of the Commission, and it shall be unlawful for any municipal securities dealer to permit such a person to become, or remain, a person associated with him without the consent of the Commission, if such municipal securities dealer knew, or, in the exercise of reasonable care should have known, of such order. Censure. Notice and hearing.

"(5) With respect to any municipal securities dealer for which the Commission is not the appropriate regulatory agency, the appropriate regulatory agency for such municipal securities dealer may sanction any such municipal securities dealer in the manner and for the reasons specified in paragraph (2) of this subsection and any person associated with such municipal securities dealer in the manner and for the reasons specified in paragraph (4) of this subsection. In addition, such appropriate regulatory agency may, in accordance with section 8 of the Federal Deposit Insurance Act (12 U.S.C. 1818), enforce compliance by such municipal securities dealer or any person associated with such municipal securities dealer with the provisions of this section, section 17 of this title, the rules of the Board, and the rules of the Commission pertaining to municipal securities dealers, persons associated with municipal securities dealers, and transactions in municipal securities. For purposes of the preceding sentence, any violation of any such provision shall constitute adequate basis for the issuance of any order under section 8(b) or 8(c) of the Federal Deposit Insurance *Post*, p. 137.

12 USC 1818.

Act, and the customers of any such municipal securities dealer shall be deemed to be 'depositors' as that term is used in section 8(c) of that Act. Nothing in this paragraph shall be construed to affect in any way the powers of such appropriate regulatory agency to proceed against such municipal securities dealer under any other provision of law.

Notice.

"(6)(A) The Commission, prior to the entry of an order of investigation, or commencement of any proceedings, against any municipal securities dealer, or person associated with any municipal securities dealer, for which the Commission is not the appropriate regulatory agency, for violation of any provision of this section, section 15(c)(1) or 15(c)(2) of this title, any rule or regulation under any such section, or any rule of the board, shall (i) give notice to the appropriate regulatory agency for such municipal securities dealer of the identity of such municipal securities dealer or person associated with such municipal securities dealer and the nature of and basis for such proposed action and (ii) consult with such appropriate regulatory agency concerning the effect of such proposed action on sound banking practices and the feasibility and desirability of coordinating such action with any proceeding or proposed proceeding by such appropriate regulatory agency against such municipal securities dealer or associated person.

Ante, p. 121.

(B) The appropriate regulatory agency for a municipal securities dealer (if other than the Commission), prior to the entry of an order of investigation, or commencement of any proceedings, against such municipal securities dealer or person associated with such municipal securities dealer, for violation of any provision of this section, the rules of the Board, or the rules or regulations of the Commission pertaining to municipal securities dealers, persons associated with municipal securities dealers, or transactions in municipal securities shall (i) give notice to the Commission of the identity of such municipal securities dealer or person associated with such municipal securities dealer and the nature of and basis for such proposed action and (ii) consult with the Commission concerning the effect of such proposed action on the protection of investors and the feasibility and desirability of coordinating such action with any proceeding or proposed proceeding by the Commission against such municipal securities dealer or associated person.

(C) Nothing in this paragraph shall be construed to impair or limit (other than by the requirement of prior consultation) the power of the Commission or the appropriate regulatory agency for a municipal securities dealer to initiate any action of a class described in this paragraph or to affect in any way the power of the Commission or such appropriate regulatory agency to initiate any other action pursuant to this title or any other provision of law.

Tests.

"(7)(A) Tests required pursuant to subsection (b)(2)(A)(iii) of this section shall be administered by or on behalf of and periodic examinations pursuant to subsection (b)(2)(E) of this section shall be conducted by—

"(i) a registered securities association, in the case of municipal securities brokers and municipal securities dealers who are members of such association; and

"(ii) the appropriate regulatory agency for any municipal securities broker or municipal securities dealer, in the case of all other municipal securities brokers and municipal securities dealers.

Reports to Commission. Copies.

"(B) A registered securities association shall make a report of any examination conducted pursuant to subsection (b)(2)(E) of this section and promptly furnish the Commission a copy thereof and any

data supplied to it in connection with such examination. Subject to such limitations as the Commission, by rule, determines to be necessary or appropriate in the public interest or for the protection of investors, the Commission shall, on request, make available to the Board a copy of any report of an examination of a municipal securities broker or municipal securities dealer made by or furnished to the Commission pursuant to this paragraph or section 17(c)(3) of this title.

Infra.

"(8) The Commission is authorized, by order, if in its opinion such action is necessary or appropriate in the public interest, for the protection of investors, or otherwise, in furtherance of the purposes of this title, to remove from office or censure any member or employee of the Board, who, the Commission finds, on the record after notice and opportunity for hearing, has willfully (A) violated any provision of this title, the rules and regulations thereunder, or the rules of the Board or (B) abused his authority.

Board members or employees, removal or censure.
Notice and hearing.

"(d)(1) Neither the Commission nor the Board is authorized under this title, by rule or regulation, to require any issuer of municipal securities, directly or indirectly through a purchaser or prospective purchaser of securities from the issuer, to file with the Commission or the Board prior to the sale of such securities by the issuer any application, report, or document in connection with the issuance, sale, or distribution of such securities.

"(2) The Board is not authorized under this title to require any issuer of municipal securities, directly or indirectly through a municipal securities broker or municipal securities dealer or otherwise, to furnish to the Board or to a purchaser or a prospective purchaser of such securities any application, report, document, or information with respect to such issuer: *Provided, however*, That the Board may require municipal securities brokers and municipal securities dealers to furnish to the Board or purchasers or prospective purchasers of municipal securities applications, reports, documents, and information with respect to the issuer thereof which is generally available from a source other than such issuer. Nothing in this paragraph shall be construed to impair or limit the power of the Commission under any provision of this title."

Recordkeeping.

SEC. 14. Section 17 of the Securities Exchange Act of 1934 (15 U.S.C. 78q) is amended by striking subsection (a), redesignating subsection (b) as subsection (g), and inserting the following as subsections (a), (b), (c), (d), (e), and (f):

"(a)(1) Every national securities exchange, member thereof, broker or dealer who transacts a business in securities through the medium of any such member, registered securities association, registered broker or dealer, registered municipal securities dealer, registered securities information processor, registered transfer agent, and registered clearing agency and the Municipal Securities Rulemaking Board shall make and keep for prescribed periods such records, furnish such copies thereof, and make and disseminate such reports as the Commission, by rule, prescribes as necessary or appropriate in the public interest, for the protection of investors, or otherwise in furtherance of the purposes of this title.

"(2) Every registered clearing agency shall also make and keep for prescribed periods such records, furnish such copies thereof, and make and disseminate such reports, as the appropriate regulatory agency for such clearing agency, by rule, prescribes as necessary or appropriate for the safeguarding of securities and funds in the custody or control of such clearing agency or for which it is responsible.

"(3) Every registered transfer agent shall also make and keep for prescribed periods such records, furnish such copies thereof, and make

Copies.

such reports as the appropriate regulatory agency for such transfer agent, by rule, prescribes as necessary or appropriate in furtherance of the purposes of section 17A of this title.

Post, p. 141.

Records, periodic examination.

"(b) All records of persons described in subsection (a) of this section are subject at any time, or from time to time, to such reasonable periodic, special, or other examinations by representatives of the Commission and the appropriate regulatory agency for such persons as the Commission or the appropriate regulatory agency for such persons deems necessary or appropriate in the public interest, for the protection of investors, or otherwise in furtherance of the purposes of this title: *Provided, however*, That the Commission shall, prior to conducting any such examination of a registered clearing agency, registered transfer agent, or registered municipal securities dealer for which it is not the appropriate regulatory agency, give notice to the appropriate regulatory agency for such clearing agency, transfer agent, or municipal securities dealer of such proposed examination and consult with such appropriate regulatory agency concerning the feasibility and desirability of coordinating such examination with examinations conducted by such appropriate regulatory agency with a view to avoiding unnecessary regulatory duplication or undue regulatory burdens for such clearing agency, transfer agent, or municipal securities dealer. Nothing in the proviso to the preceding sentence shall be construed to impair or limit (other than by the requirement of prior consultation) the power of the Commission under this subsection to examine any clearing agency, transfer agent, or municipal securities dealer or to affect in any way the power of the Commission under any other provision of this title or otherwise to inspect, examine, or investigate any such clearing agency, transfer agent, or municipal securities dealer.

Notice.

"(c)(1) Every clearing agency, transfer agent, and municipal securities dealer for which the Commission is not the appropriate regulatory agency shall (A) file with the appropriate regulatory agency for such clearing agency, transfer agent, or municipal securities dealer a copy of any application, notice, proposal, report, or document filed with the Commission by reason of its being a clearing agency, transfer agent, or municipal securities dealer and (B) file with the Commission a copy of any application, notice, proposal, report, or document filed with such appropriate regulatory agency by reason of its being a clearing agency, transfer agent, or municipal securities dealer. The Municipal Securities Rulemaking Board shall file with each agency enumerated in section 3(a)(34)(A) of this title copies of every proposed rule change filed with the Commission pursuant to section 19(b) of this title.

Ante, p. 97.

Post, p. 146.

"(2) The appropriate regulatory agency for a clearing agency, transfer agent, or municipal securities dealer for which the Commission is not the appropriate regulatory agency shall file with the Commission notice of the commencement of any proceeding and a copy of any order entered by such appropriate regulatory agency against such clearing agency, transfer agent, or municipal securities dealer, and the Commission shall file with such appropriate regulatory agency notice of the commencement of any proceeding and a copy of any order entered by the Commission against such clearing agency, transfer agent, or municipal securities dealer.

Report of examination.

"(3) The Commission and the appropriate regulatory agency for a clearing agency, transfer agent, or municipal securities dealer for which the Commission is not the appropriate regulatory agency shall each notify the other and make a report of any examination conducted by it of such clearing agency, transfer agent, or municipal securities

dealer, and, upon request, furnish to the other a copy of such report and any data supplied to it in connection with such examination.

Self-regulatory organizations.

"(d)(1) The Commission, by rule or order, as it deems necessary or appropriate in the public interest and for the protection of investors, to foster cooperation and coordination among self-regulatory organizations, or to remove impediments to and foster the development of a national market system and national system for the clearance and settlement of securities transactions, may—

"(A) with respect to any person who is a member of or participant in more than one self-regulatory organization, relieve any such self-regulatory organization of any responsibility under this title (i) to receive regulatory reports from such person, (ii) to examine such person for compliance, or to enforce compliance by such person, with specified provisions of this title, the rules and regulations thereunder, and its own rules, or (iii) to carry out other specified regulatory functions with respect to such person, and

"(B) allocate among self-regulatory organizations the authority to adopt rules with respect to matters as to which, in the absence of such allocation, such self-regulatory organizations share authority under this title.

In making any such rule or entering any such order, the Commission shall take into consideration the regulatory capabilities and procedures of the self-regulatory organizations, availability of staff, convenience of location, unnecessary regulatory duplication, and such other factors as the Commission may consider germane to the protection of investors, cooperation and coordination among self-regulatory organizations, and the development of a national market system and a national system for the clearance and settlement of securities transactions. The Commission, by rule or order, as it deems necessary or appropriate in the public interest and for the protection of investors, may require any self-regulatory organization relieved of any responsibility pursuant to this paragraph, and any person with respect to whom such responsibility relates, to take such steps as are specified in any such rule or order to notify customers of, and persons doing business with, such person of the limited nature of such self-regulatory organization's responsibility for such person's acts, practices, and course of business.

"(2) A self-regulatory organization shall furnish copies of any report of examination of any person who is a member of or a participant in such self-regulatory organization to any other self-regulatory organization of which such person is a member or in which such person is a participant upon the request of such person, such other self-regulatory organization, or the Commission.

Filing of balance sheet and income statement.

"(e)(1)(A) Every registered broker or dealer shall annually file with the Commission a balance sheet and income statement certified by an independent public accountant, prepared on a calendar or fiscal year basis, and such other financial statements (which shall, as the Commission specifies, be certified) and information concerning its financial condition as the Commission, by rule may prescribe as necessary or appropriate in the public interest or for the protection of investors.

Financial statements to customers.

"(B) Every registered broker and dealer shall annually send to its customers its certified balance sheet and such other financial statements and information concerning its financial condition as the Commission, by rule, may prescribe pursuant to subsection (a) of this section.

Exemption.

"(C) The Commission, by rule or order, may conditionally or unconditionally exempt any registered broker or dealer, or class of such brokers or dealers, from any provision of this paragraph if the Commission determines that such exemption is consistent with the public interest and the protection of investors.

"(2) The Commission, by rule, as it deems necessary or appropriate in the public interest or for the protection of investors, may prescribe the form and content of financial statements filed pursuant to this title and the accounting principles and accounting standards used in their preparation.

Missing, lost, counterfeit, or stolen securities, reporting.

"(f)(1) Every national securities exchange, member thereof, registered securities association, broker, dealer, municipal securities dealer, registered transfer agent, registered clearing agency, participant therein, member of the Federal Reserve System, and bank whose deposits are insured by the Federal Deposit Insurance Corporation shall—

"(A) report to the Commission or other person designated by the Commission such information about missing, lost, counterfeit, or stolen securities, in such form and within such time as the Commission, by rule, determines is necessary or appropriate in the public interest or for the protection of investors; such information shall be available on request for a reasonable fee, to any such exchange, member, association, broker, dealer, municipal securities dealer, transfer agent, clearing agency, participant, member of the Federal Reserve System, or insured bank, and such other persons as the Commission, by rule, designates; and

"(B) make such inquiry with respect to information reported pursuant to this subsection as the Commission, by rule, prescribes as necessary or appropriate in the public interest or for the protection of investors, to determine whether securities in their custody or control, for which they are responsible, or in which they are effecting, clearing, or settling a transaction have been reported as missing, lost, counterfeit, or stolen.

Fingerprints, submittal to Attorney General.

"(2) Every member of a national securities exchange, broker, dealer, registered transfer agent, and registered clearing agency, shall require that each of its partners, directors, officers, and employees be fingerprinted and shall submit such fingerprints, or cause the same to be submitted, to the Attorney General of the United States for identification and appropriate processing. The Commission, by rule, may exempt from the provisions of this paragraph upon specified terms, conditions, and periods, any class of partners, directors, officers, or employees of any such member, broker, dealer, transfer agent, or clearing agency, if the Commission finds that such action is not inconsistent with the public interest or the protection of investors.

Exemption.

National Crime Information Center facilities, use.

"(3) In order to carry out the authority under paragraphs (1) and (2) above, the Commission or its designee may enter into agreement with the Attorney General to use the facilities of the National Crime Information Center ("NCIC") to receive, store, and disseminate information in regard to missing, lost, counterfeit, or stolen securities and to permit direct inquiry access to NCIC's file on such securities for the financial community.

Delegation of authority.

"(4) In regard to paragraphs (1), (2), and (3), above insofar as such paragraphs apply to any bank or member of the Federal Reserve System, the Commission may delegate its authority to:

"(A) the Comptroller of the Currency as to national banks and banks operating under the Code of Law for the District of Columbia;

"(B) the Federal Reserve Board in regard to any member of the Federal Reserve System which is not a national bank or a

bank operating under the Code of Law for the District of Columbia; and

"(C) the Federal Deposit Insurance Corporation for any State bank which is insured by the Federal Deposit Insurance Corporation but which is not a member of the Federal Reserve System.

"(5) The Commission shall encourage the insurance industry to require their insured to report expeditiously instances of missing, lost, counterfeit, or stolen securities to the Commission or to such other person as the Commission may, by rule, designate to receive such information.".

SEC. 15. The Securities Exchange Act of 1934 is amended by inserting after section 17 (15 U.S.C. 78q) the following new section:

"NATIONAL SYSTEM FOR CLEARANCE AND SETTLEMENT OF SECURITIES TRANSACTIONS

"SEC. 17A. (a) (1) The Congress finds that— 15 USC 78q-1.

"(A) The prompt and accurate clearance and settlement of securities transactions, including the transfer of record ownership and the safeguarding of securities and funds related thereto, are necessary for the protection of investors and persons facilitating transactions by and acting on behalf of investors.

"(B) Inefficient procedures for clearance and settlement impose unnecessary costs on investors and persons facilitating transactions by and acting on behalf of investors.

"(C) New data processing and communications techniques create the opportunity for more efficient, effective, and safe procedures for clearance and settlement.

"(D) The linking of all clearance and settlement facilities and the development of uniform standards and procedures for clearance and settlement will reduce unnecessary costs and increase the protection of investors and persons facilitating transactions by and acting on behalf of investors.

"(2) The Commission is directed, therefore, having due regard for the public interest, the protection of investors, the safeguarding of securities and funds, and maintenance of fair competition among brokers and dealers, clearing agencies, and transfer agents, to use its authority under this title to facilitate the establishment of a national system for the prompt and accurate clearance and settlement of transactions in securities (other than exempted securities) in accordance with the findings and to carry out the objectives set forth in paragraph (1) of this subsection. The Commission shall use its authority under this title to assure equal regulation under this title of registered clearing agencies and registered transfer agents.

"(b) (1) Except as otherwise provided in this section, it shall be unlawful for any clearing agency, unless registered in accordance with this subsection, directly or indirectly, to make use of the mails or any means or instrumentality of interstate commerce to perform the functions of a clearing agency with respect to any security (other than an exempted security). The Commission, by rule or order, upon its own motion or upon application, may conditionally or unconditionally exempt any clearing agency or security or any class of clearing agencies or securities from any provisions of this section or the rules or regulations thereunder, if the Commission finds that such exemption is consistent with the public interest, the protection of investors, and the purposes of this section, including the prompt and accurate clearance and settlement of securities transactions and the safeguarding of securities and funds. A clearing agency or transfer

Mails or instrumentality of interstate commerce, prohibition, use.

Exemption.

agent shall not perform the functions of both a clearing agency and a transfer agent unless such clearing agency or transfer agent is registered in accordance with this subsection and subsection (c) of this section.

"(2) A clearing agency may be registered under the terms and conditions hereinafter provided in this subsection and in accordance with the provisions of section 19(a) of this title, by filing with the Commission an application for registration in such form as the Commission, by rule, may prescribe containing the rules of the clearing agency and such other information and documents as the Commission, by rule, may prescribe as necessary or appropriate in the public interest or for the prompt and accurate clearance and settlement of securities transactions.

Post, p. 146.

Registration requirements.

"(3) A clearing agency shall not be registered unless the Commission determines that—

"(A) Such clearing agency is so organized and has the capacity to be able to facilitate the prompt and accurate clearance and settlement of securities transactions for which it is responsible, to safeguard securities and funds in its custody or control or for which it is responsible, to comply with the provisions of this title and the rules and regulations thereunder, to enforce (subject to any rule or order of the Commission pursuant to section 17(d) or 19(g)(2) of this title) compliance by its participants with the rules of the clearing agency, and to carry out the purposes of this section.

Ante, p. 137.
Post, p. 146.

"(B) Subject to the provisions of paragraph (4) of this subsection, the rules of the clearing agency provide that any (i) registered broker or dealer, (ii) other registered clearing agency, (iii) registered investment company, (iv) bank, (v) insurance company, or (vi) other person or class of persons as the Commission, by rule, may from time to time designate as appropriate to the development of a national system for the prompt and accurate clearance and settlement of securities transactions may become a participant in such clearing agency.

"(C) The rules of the clearing agency assure a fair representation of its shareholders (or members) and participants in the selection of its directors and administration of its affairs. (The Commission may determine that the representation of participants is fair if they are afforded a reasonable opportunity to acquire voting stock of the clearing agency, directly or indirectly, in reasonable proportion to their use of such clearing agency.)

"(D) The rules of the clearing agency provide for the equitable allocation of reasonable dues, fees, and other charges among its participants.

"(E) The rules of the clearing agency do not impose any schedule of prices, or fix rates or other fees, for services rendered by its participants.

"(F) The rules of the clearing agency are designed to promote the prompt and accurate clearance and settlement of securities transactions, to assure the safeguarding of securities and funds which are in the custody or control of the clearing agency or for which it is responsible, to foster cooperation and coordination with persons engaged in the clearance and settlement of securities transactions, to remove impediments to and perfect the mechanism of a national system for the prompt and accurate clearance and settlement of securities transactions, and, in general, to protect investors and the public interest; and are not designed to permit unfair discrimination in the admission of participants or among

participants in the use of the clearing agency, or to regulate by virtue of any authority conferred by this title matters not related to the purposes of this section or the administration of the clearing agency.

"(G) The rules of the clearing agency provide that (subject to any rule or order of the Commission pursuant to section 17(d) or 19(g)(2) of this title) its participants shall be appropriately disciplined for violation of any provision of the rules of the clearing agency by expulsion, suspension, limitation of activities, functions, and operations, fine, censure, or any other fitting sanction. *Ante*, p. 137. *Post*, p. 146.

"(H) The rules of the clearing agency are in accordance with the provisions of paragraph (5) of this subsection, and, in general, provide a fair procedure with respect to the disciplining of participants, the denial of participation to any person seeking participation therein, and the prohibition or limitation by the clearing agency of any person with respect to access to services offered by the clearing agency.

"(I) The rules of the clearing agency do not impose any burden on competition not necessary or appropriate in furtherance of the purposes of this title.

Denial of participation.

"(4)(A) A registered clearing agency may, and in cases in which the Commission, by order, directs as appropriate in the public interest shall, deny participation to any person subject to a statutory disqualification. A registered clearing agency shall file notice with the Commission not less than thirty days prior to admitting any person to participation, if the clearing agency knew, or in the exercise of reasonable care should have known, that such person was subject to a statutory disqualification. The notice shall be in such form and contain such information as the Commission, by rule, may prescribe as necessary or appropriate in the public interest or for the protection of investors.

Notice.

"(B) A registered clearing agency may deny participation to, or condition the participation of, any person if such person does not meet such standards of financial responsibility, operational capability, experience, and competence as are prescribed by the rules of the clearing agency. A registered clearing agency may examine and verify the qualifications of an applicant to be a participant in accordance with procedures established by the rules of the clearing agency.

Examination and verification.

Notice.

"(5)(A) In any proceeding by a registered clearing agency to determine whether a participant should be disciplined (other than a summary proceeding pursuant to subparagraph (C) of this paragraph), the clearing agency shall bring specific charges, notify such participant of, and give him an opportunity to defend against such charges, and keep a record. A determination by the clearing agency to impose a disciplinary sanction shall be supported by a statement setting forth—

"(i) any act or practice in which such participant has been found to have engaged, or which such participant has been found to have omitted;

"(ii) the specific provisions of the rules of the clearing agency which any such act or practice, or omission to act, is deemed to violate; and

"(iii) the sanction imposed and the reasons therefor.

Notice and hearing.

"(B) In any proceeding by a registered clearing agency to determine whether a person shall be denied participation or prohibited or limited with respect to access to services offered by the clearing agency, the clearing agency shall notify such person of, and give him an opportunity to be heard upon, the specific grounds for denial or

prohibition or limitation under consideration and keep a record. A determination by the clearing agency to deny participation or prohibit or limit a person with respect to access to services offered by the clearing agency shall be supported by a statement setting forth the specific grounds on which the denial or prohibition or limitation is based.

Summary suspension.

"(C) A registered clearing agency may summarily suspend and close the accounts of a participant who (i) has been and is expelled or suspended from any self-regulatory organization, (ii) is in default of any delivery of funds or securities to the clearing agency, or (iii) is in such financial or operating difficulty that the clearing agency determines and so notifies the appropriate regulatory agency for such participant that such suspension and closing of accounts are necessary for the protection of the clearing agency, its participants, creditors, or investors. A participant so summarily suspended shall be promptly afforded an opportunity for a hearing by the clearing agency in accordance with the provisions of subparagraph (A) of this paragraph. The appropriate regulatory agency for such participant, by order, may stay any such summary suspension on its own motion or upon application by any person aggrieved thereby, if such appropriate regulatory agency determines summarily or after notice and opportunity for hearing (which hearing may consist solely of the submission of affidavits or presentation of oral arguments) that such stay is consistent with the public interest and protection of investors.

Hearing.

Stay of suspension.

"(6) No registered clearing agency shall prohibit or limit access by any person to services offered by any participant therein.

Use of mails or instrumentality of interstate commerce, prohibition.
15 USC 78*l*.

"(c)(1) Except as otherwise provided in this section, it shall be unlawful for any transfer agent, unless registered in accordance with this section, directly or indirectly, to make use of the mails or any means or instrumentality of interstate commerce to perform the function of a transfer agent with respect to any security registered under section 12 of this title or which would be required to be registered except for the exemption from registration provided by subsection (g)(2)(B) or (g)(2)(G) of that section. The appropriate regulatory agency, by rule or order, upon its own motion or upon application, may conditionally or unconditionally exempt any person or security or class of persons or securities from any provision of this section or any rule or regulation prescribed under this section, if the appropriate regulatory agency finds (A) that such exemption is in the public interest and consistent with the protection of investors and the purposes of this section, including the prompt and accurate clearance and settlement of securities transactions and the safeguarding of securities and funds, and (B) the Commission does not object to such exemption.

Transfer agents, registration.

"(2) A transfer agent may be registered by filing with the appropriate regulatory agency for such transfer agent an application for registration in such form and containing such information and documents concerning such transfer agent as such appropriate regulatory agency may prescribe as necessary or appropriate in furtherance of the purposes of this section. Except as hereinafter provided, such registration shall become effective thirty days after receipt of such application by such appropriate regulatory agency or within such shorter period of time as such appropriate regulatory agency may determine.

Denial. Notice and hearing.

"(3)(A) The appropriate regulatory agency for a transfer agent, by order, shall deny registration to, censure, place limitations on the activities, functions, or operations of, suspend for a period not exceeding twelve months, or revoke the registration of such transfer agent, if such appropriate regulatory agency finds, on the record after notice

and opportunity for hearing, that such denial, censure, placing of limitations, suspension, or revocation is in the public interest and that such transfer agent has willfully violated or is unable to comply with any provision of this section or section 17 of this title or the rules or regulations thereunder.

Ante, p. 137.

"(B) Pending final determination whether any registration by a transfer agent under this subsection shall be denied, the appropriate regulatory agency for such transfer agent, by order, may postpone the effective date of such registration for a period not to exceed fifteen days, but if, after notice and opportunity for hearing (which may consist solely of affidavits and oral arguments), it shall appear to such appropriate regulatory agency to be necessary or appropriate in the public interest or for the protection of investors to postpone the effective date of such registration until final determination, such appropriate regulatory agency shall so order. Pending final determination whether any registration under this subsection shall be revoked, such appropriate regulatory agency, by order, may suspend such registration, if such suspension appears to such appropriate regulatory agency, after notice and opportunity for hearing, to be necessary or appropriate in the public interest or for the protection of investors.

Notice and hearing.

Notice and hearing.

"(C) A registered transfer agent may, upon such terms and conditions as the appropriate regulatory agency for such transfer agent deems necessary or appropriate in the public interest, for the protection of investors, or in furtherance of the purposes of this section, withdraw from registration by filing a written notice of withdrawal with such appropriate regulatory agency. If such appropriate regulatory agency finds that any transfer agent for which it is the appropriate regulatory agency, is no longer in existence or has ceased to do business as a transfer agent, such appropriate regulatory agency, by order, shall cancel or deny the registration.

Notice of withdrawal.

"(d)(1) No registered clearing agency or registered transfer agent shall, directly or indirectly, engage in any activity as clearing agency or transfer agent in contravention of such rules and regulations (A) as the Commission may prescribe as necessary or appropriate in the public interest, for the protection of investors, or otherwise in furtherance of the purposes of this title, or (B) as the appropriate regulatory agency for such clearing agency or transfer agent may prescribe as necessary or appropriate for the safeguarding of securities and funds.

"(2) With respect to any clearing agency or transfer agent for which the Commission is not the appropriate regulatory agency, the appropriate regulatory agency for such clearing agency or transfer agent may, in accordance with section 8 of the Federal Deposit Insurance Act (12 U.S.C. 1818), enforce compliance by such clearing agency or transfer agent with the provisions of this section, sections 17 and 19 of this title, and the rules and regulations thereunder. For purposes of the preceding sentence, any violation of any such provision shall constitute adequate basis for the issuance of an order under section 8(b) or 8(c) of the Federal Deposit Insurance Act, and the participants in any such clearing agency and the persons doing business with any such transfer agent shall be deemed to be 'depositors' as that term is used in section 8(c) of that Act.

Post, p. 146.

"(3)(A) With respect to any clearing agency or transfer agent for which the Commission is not the appropriate regulatory agency, the Commission and the appropriate regulatory agency for such clearing agency or transfer agent shall consult and cooperate with each other, and, as may be appropriate, with State banking authorities having supervision over such clearing agency or transfer agent toward the end that, to the maximum extent practicable, their respective regulatory

Consultation.

responsibilities may be fulfilled and the rules and regulations applicable to such clearing agency or transfer agent may be in accord with both sound banking practices and a national system for the prompt and accurate clearance and settlement of securities transactions. In accordance with this objective—

"(i) the Commission and such appropriate regulatory agency shall, at least fifteen days prior to the issuance for public comment of any proposed rule or regulation or adoption of any rule or regulation concerning such clearing agency or transfer agent, consult and request the views of the other; and

"(ii) such appropriate regulatory agency shall assume primary responsibility to examine and enforce compliance by such clearing agency or transfer agent with the provisions of this section and sections 17 and 19 of this title.

Ante, p. 137.
Infra.

"(B) Nothing in the preceding subparagraph or elsewhere in this title shall be construed to impair or limit (other than by the requirement of notification) the Commission's authority to make rules under any provision of this title or to enforce compliance pursuant to any provision of this title by any clearing agency or transfer agent with the provisions of this title and the rules and regulations thereunder.

"(4) Nothing in this section shall be construed to impair the authority of any State banking authority or other State or Federal regulatory authority having jurisdiction over a person registered as a clearing agency or transfer agent to make and enforce rules governing such person which are not inconsistent with this title and the rules and regulations thereunder.

"(e) The Commission shall use its authority under this title to end the physical movement of securities certificates in connection with the settlement among brokers and dealers of transactions in securities consummated by means of the mails or any means or instrumentalities of interstate commerce.".

SEC. 16. Section 19 of the Securities Exchange Act of 1934 (15 U.S.C. 78s) is amended to read as follows:

"REGISTRATION, RESPONSIBILITIES, AND OVERSIGHT OF SELF-REGULATORY ORGANIZATIONS

Notice of filing.

"SEC. 19. (a) (1) The Commission shall, upon the filing of an application for registration as a national securities exchange, registered securities association, or registered clearing agency, pursuant to section 6, 15A, or 17A of this title, respectively, publish notice of such filing and afford interested persons an opportunity to submit written data, views, and arguments concerning such application. Within ninety days of the date of publication of such notice (or within such longer period as to which the applicant consents), the Commission shall—

Ante, pp. 104, 127, 141.

"(A) by order grant such registration, or

Notice and hearing.

"(B) institute proceedings to determine whether registration should be denied. Such proceedings shall include notice of the grounds for denial under consideration and opportunity for hearing and shall be concluded within one hundred eighty days of the date of a publication of notice of the filing of the application for registration. At the conclusion of such proceedings the Commission, by order, shall grant or deny such registration. The Commission may extend the time for conclusion of such proceedings for up to ninety days if it finds good cause for such extension and publishes its reasons for so finding or for such longer period as to which the applicant consents.

Extension.

The Commission shall grant such registration if it finds that the requirements of this title and the rules and regulations thereunder

with respect to the applicant are satisfied. The Commission shall deny such registration if it does not make such finding.

"(2) With respect to an application for registration filed by a clearing agency for which the Commission is not the appropriate regulatory agency—

"(A) The Commission shall not grant registration prior to the sixtieth day after the date of publication of notice of the filing of such application unless the appropriate regulatory agency for such clearing agency has notified the Commission of such appropriate regulatory agency's determination that such clearing agency is so organized and has the capacity to be able to safeguard securities and funds in its custody or control or for which it is responsible and that the rules of such clearing agency are designed to assure the safeguarding of such securities and funds.

"(B) The Commission shall institute proceedings in accordance with paragraph (1)(B) of this subsection to determine whether registration should be denied if the appropriate regulatory agency for such clearing agency notifies the Commisison within sixty days of the date of publication of notice of the filing of such application of such appropriate regulatory agency's (i) determination that such clearing agency may not be so organized or have the capacity to be able to safeguard securities or funds in its custody or control or for which it is responsible or that the rules of such clearing agency may not be designed to assure the safeguarding of such securities and funds and (ii) reasons for such determination.

"(C) The Commission shall deny registration if the appropriate regulatory agency for such clearing agency notifies the Commission prior to the conclusion of proceedings instituted in accordance with paragraph (1)(B) of this subsection of such appropriate regulatory agency's (i) determination that such clearing agency is not so organized or does not have the capacity to be able to safeguard securities or funds in its custody or control or for which it is responsible or that the rules of such clearing agency are not designed to assure the safeguarding of such securities or funds and (ii) reasons for such determination.

Withdrawal from registration.

"(3) A self-regulatory organization may, upon such terms and conditions as the Commission, by rule, deems necessary or appropriate in the public interest or for the protection of investors, withdraw from registration by filing a written notice of withdrawal with the Commission. If the Commission finds that any self-regulatory organization is no longer in existence or has ceased to do business in the capacity specified in its application for registration, the Commission, by order, shall cancel its registration. Upon the withdrawal of a national securities association from registration or the cancellation, suspension, or revocation of the registration of a national securities association, the registration of any association affiliated therewith shall automatically terminate.

Affiliate registration, termination.

Proposed rule change, filing.

"(b)(1) Each self-regulatory organization shall file with the Commission, in accordance with such rules as the Commission may prescribe, copies of any proposed rule or any proposed change in, addition to, or deletion from the rules of such self-regulatory organization (hereinafter in this subsection collectively referred to as a 'proposed rule change') accompanied by a concise general statement of the basis and purpose of such proposed rule change. The Commission shall, upon the filing of any proposed rule change, publish notice thereof together with the terms of substance of the proposed rule change or a description of the subjects and issues involved. The Commission

Notice.

shall give interested persons an opportunity to submit written data, views, and arguments concerning such proposed rule change. No proposed rule change shall take effect unless approved by the Commission or otherwise permitted in accordance with the provisions of this subsection.

"(2) Within thirty-five days of the date of publication of notice of the filing of a proposed rule change in accordance with paragraph (1) of this subsection, or within such longer period as the Commission may designate up to ninety days of such date if it finds such longer period to be appropriate and publishes its reasons for so finding or as to which the self-regulatory organization consents, the Commission shall—

"(A) by order approve such proposed rule change, or

"(B) institute proceedings to determine whether the proposed rule change should be disapproved. Such proceedings shall include notice of the grounds for disapproval under consideration and opportunity for hearing and be concluded within one hundred eighty days of the date of publication of notice of the filing of the proposed rule change. At the conclusion of such proceedings the Commission, by order, shall approve or disapprove such proposed rule change. The Commission may extend the time for conclusion of such proceedings for up to sixty days if it finds good cause for such extension and publishes its reasons for so finding or for such longer period as to which the self-regulatory organization consents.

Notice and hearing.

Approval.

The Commission shall approve a proposed rule change of a self-regulatory organization if it finds that such proposed rule change is consistent with the requirements of this title and the rules and regulations thereunder applicable to such organization. The Commission shall disapprove a proposed rule change of a self-regulatory organization if it does not make such finding. The Commission shall not approve any proposed rule change prior to the thirtieth day after the date of publication of notice of the filing thereof, unless the Commission finds good cause for so doing and publishes its reasons for so finding.

Disapproval.

"(3)(A) Notwithstanding the provisions of paragraph (2) of this subsection, a proposed rule change may take effect upon filing with the Commission if designated by the self-regulatory organization as (i) constituting a stated policy, practice, or interpretation with respect to the meaning, administration, or enforcement of an existing rule of the self-regulatory organization, (ii) establishing or changing a due, fee, or other charge imposed by the self-regulatory organization, or (iii) concerned solely with the administration of the self-regulatory organization or other matters which the Commission, by rule, consistent with the public interest and the purposes of this subsection, may specify as without the provisions of such paragraph (2).

"(B) Notwithstanding any other provision of this subsection, a proposed rule change may be put into effect summarily if it appears to the Commission that such action is necessary for the protection of investors, the maintenance of fair and orderly markets, or the safeguarding of securities or funds. Any proposed rule change so put into effect shall be filed promptly thereafter in accordance with the provisions of paragraph (1) of this subsection.

"(C) Any proposed rule change of a self-regulatory organization which has taken effect pursuant to subparagraph (A) or (B) of this paragraph may be enforced by such organization to the extent it is not inconsistent with the provisions of this title, the rules and regulations thereunder, and applicable Federal and State law. At any time within sixty days of the date of filing of such a proposed rule change in

accordance with the provisions of paragraph (1) of this subsection, the Commission summarily may abrogate the change in the rules of the self-regulatory organization made thereby and require that the proposed rule change be refiled in accordance with the provisions of paragraph (1) of this subsection and reviewed in accordance with the provisions of paragraph (2) of this subsection, if it appears to the Commission that such action is necessary or appropriate in the public interest, for the protection of investors, or otherwise in furtherance of the purposes of this title. Commission action pursuant to the preceding sentence shall not affect the validity or force of the rule change during the period it was in effect and shall not be reviewable under section 25 of this title nor deemed to be 'final agency action' for purposes of section 704 of title 5, United States Code.

Post, p. 158.

"(4) With respect to a proposed rule change filed by a registered clearing agency for which the Commission is not the appropriate regulatory agency—

"(A) The Commission shall not approve any such proposed rule change prior to the thirtieth day after the date of publication of notice of the filing thereof unless the appropriate regulatory agency for such clearing agency has notified the Commission of such appropriate regulatory agency's determination that the proposed rule change is consistent with the safeguarding of securities and funds in the custody or control of such clearing agency or for which it is responsible.

"(B) The Commission shall institute proceedings in accordance with paragraph (2)(B) of this subsection to determine whether any such proposed rule change should be disapproved, if the appropriate regulatory agency for such clearing agency notifies the Commission within thirty days of the date of publication of notice of the filing of the proposed rule change of such appropriate regulatory agency's (i) determination that the proposed rule change may be inconsistent with the safeguarding of securities or funds in the custody or control of such clearing agency or for which it is responsible and (ii) reasons for such determination.

"(C) The Commission shall disapprove any such proposed rule change if the appropriate regulatory agency for such clearing agency notifies the Commission prior to the conclusion of proceedings instituted in accordance with paragraph (2)(B) of this subsection of such appropriate regulatory agency's (i) determination that the proposed rule change is inconsistent with the safeguarding of securities or funds in the custody or control of such clearing agency or for which it is responsible and (ii) reasons for such determination.

"(D) The Commission shall abrogate any change in the rules of such a clearing agency made by a proposed rule change which has taken effect pursuant to paragraph (3) of this subsection, require that the proposed rule change be refiled in accordance with the provisions of paragraph (1) of this subsection, and reviewed in accordance with the provisions of paragraph (2) of this subsection, if the appropriate regulatory agency for such clearing agency notifies the Commission within thirty days of the date of filing of such proposed rule change of such appropriate regulatory agency's (i) determination that the rules of such clearing agency as so changed may be inconsistent with the safeguarding of securities or funds in the custody or control of such clearing agency or for which it is responsible and (ii) reasons for such determination.

"(c) The Commission, by rule, may abrogate, add to, and delete from (hereinafter in this subsection collectively referred to as 'amend') the rules of a self-regulatory organization (other than a registered clearing agency) as the Commission deems necessary or appropriate to insure the fair administration of the self-regulatory organization, to conform its rules to requirements of this title and the rules and regulations thereunder applicable to such organization, or otherwise in furtherance of the purposes of this title, in the following manner:

Publication in Federal Register.

"(1) The Commission shall notify the self-regulatory organization and publish notice of the proposed rulemaking in the Federal Register. The notice shall include the text of the proposed amendment to the rules of the self-regulatory organization and a statement of the Commission's reasons, including any pertinent facts, for commencing such proposed rulemaking.

"(2) The Commission shall give interested persons an opportunity for the oral presentation of data, views, and arguments, in addition to an opportunity to make written submissions. A transcript shall be kept of any oral presentation.

"(3) A rule adopted pursuant to this subsection shall incorporate the text of the amendment to the rules of the self-regulatory organization and a statement of the Commission's basis for and purpose in so amending such rules. This statement shall include an identification of any facts on which the Commission considers its determination so to amend the rules of the self-regulatory agency to be based, including the reasons for the Commission's conclusions as to any of such facts which were disputed in the rulemaking.

"(4)(A) Except as provided in paragraphs (1) through (3) of this subsection, rulemaking under this subsection shall be in accordance with the procedures specified in section 553 of title 5, United States Code, for rulemaking not on the record.

"(B) Nothing in this subsection shall be construed to impair or limit the Commission's power to make, or to modify or alter the procedures the Commission may follow in making, rules and regulations pursuant to any other authority under this title.

"(C) Any amendment to the rules of a self-regulatory organization made by the Commission pursuant to this subsection shall be considered for all purposes of this title to be part of the rules of such self-regulatory organization and shall not be considered to be a rule of the Commission.

Self-regulatory organizations, final disciplinary sanction, notice.

"(d)(1) If any self-regulatory organization imposes any final disciplinary sanction on any member thereof or participant therein, denies membership or participation to any applicant, or prohibits or limits any person in respect to access to services offered by such organization or member thereof or if any self-regulatory organization (other than a registered clearing agency) imposes any final disciplinary sanction on any person associated with a member or bars any person from becoming associated with a member, the self-regulatory organization shall promptly file notice thereof with the appropriate regulatory agency for the self-regulatory organization and (if other than the appropriate regulatory agency for the self-regulatory organization) the appropriate regulatory agency for such member, participant, applicant, or other person. The notice shall be in such form and contain such information as the appropriate regulatory agency for the self-regulatory organization, by rule, may prescribe as necessary or appropriate in furtherance of the purposes of this title.

"(2) Any action with respect to which a self-regulatory organization is required by paragraph (1) of this subsection to file notice shall

be subject to review by the appropriate regulatory agency for such member, participant, applicant, or other person, on its own motion, or upon application by any person aggrieved thereby filed within thirty days after the date such notice was filed with such appropriate regulatory agency and received by such aggrieved person, or within such longer period as such appropriate regulatory agency may determine. Application to such appropriate regulatory agency for review, or the institution of review by such appropriate regulatory agency on its own motion, shall not operate as a stay of such action unless such appropriate regulatory agency otherwise orders, summarily or after notice and opportunity for hearing on the question of a stay (which hearing may consist solely of the submission of affidavits or presentation of oral arguments). Each appropriate regulatory agency shall establish for appropriate cases an expedited procedure for consideration and determination of the question of a stay.

Review. Notice and hearing.

"(e)(1) In any proceeding to review a final disciplinary sanction imposed by a self-regulatory organization on a member thereof or participant therein or a person associated with such a member, after notice and opportunity for hearing (which hearing may consist solely of consideration of the record before the self-regulatory organization and opportunity for the presentation of supporting reasons to affirm, modify, or set aside the sanction)—

"(A) if the appropriate regulatory agency for such member, participant, or person associated with a member finds that such member, participant, or person associated with a member has engaged in such acts or practices, or has omitted such acts, as the self-regulatory organization has found him to have engaged in or omitted, that such acts or practices, or omissions to act, are in violation of such provisions of this title, the rules or regulations thereunder, the rules of the self-regulatory organization, or, in the case of a registered securities association, the rules of the Municipal Securities Rulemaking Board as have been specified in the determination of the self-regulatory organization, and that such provisions are, and were applied in a manner, consistent with the purposes of this title, such apropriate regulatory agency, by order, shall so declare and, as appropriate, affirm the sanction imposed by the self-regulatory organization, modify the sanction in accordance with paragraph (2) of this subsection, or remand to the self-regulatory organization for further proceedings; or

"(B) if such appropriate regulatory agency does not make any such finding it shall, by order, set aside the sanction imposed by the self-regulatory organization and, if appropriate, remand to the self-regulatory organization for further proceedings.

"(2) If the appropriate regulatory agency for a member, participant, or person associated with a member, having due regard for the public interest and the protection of investors, finds after a proceeding in accordance with paragraph (1) of this subsection that a sanction imposed by a self-regulatory organization upon such member, participant, or person associated with a member imposes any burden on competition not necessary or appropriate in furtherance of the purposes of this title or is excessive or oppressive, the appropriate regulatory agency may cancel, reduce, or require the remission of such sanction.

Dismissal of proceedings. Notice and hearing.

"(f) In any proceeding to review the denial of membership or participation in a self-regulatory organization to any applicant, the barring of any person from becoming associated with a member of a self-regulatory organization, or the prohibition or limitation by a self-regulatory organization of any person with respect to access to services offered by the self-regulatory organization or any member thereof, if

the appropriate regulatory agency for such applicant or person, after notice and opportunity for hearing (which hearing may consist solely of consideration of the record before the self-regulatory organization and opportunity for the presentation of supporting reasons to dismiss the proceeding or set aside the action of the self-regulatory organization) finds that the specific grounds on which such denial, bar, or prohibition or limitation is based exist in fact, that such denial, bar, or prohibition or limitation is in accordance with the rules of the self-regulatory organization, and that such rules are, and were applied in a manner, consistent with the purposes of this title, such appropriate regulatory agency, by order, shall dismiss the proceeding. If such appropriate regulatory agency does not make any such finding or if it finds that such denial, bar, or prohibition or limitation imposes any burden on competition not necessary or appropriate in furtherance of the purposes of this title, such appropriate regulatory agency, by order, shall set aside the action of the self-regulatory organization and require it to admit such applicant to membership or participation, permit such person to become associated with a member, or grant such person access to services offered by the self-regulatory organization or member thereof.

"(g)(1) Every self-regulatory organization shall comply with the provisions of this title, the rules and regulations thereunder, and its own rules, and (subject to the provisions of section 17(d) of this title, paragraph (2) of this subsection, and the rules thereunder) absent reasonable justification or excuse enforce compliance—

Ante, p. 137.

"(A) in the case of a national securities exchange, with such provisions by its members and persons associated with its members;

"(B) in the case of a registered securities association, with such provisions and the provisions of the rules of the Municipal Securities Rulemaking Board by its members and persons associated with its members; and

"(C) in the case of a registered clearing agency, with its own rules by its participants.

"(2) The Commission, by rule, consistent with the public interest, the protection of investors, and the other purposes of this title, may relieve any self-regulatory organization of any responsibility under this title to enforce compliance with any specified provision of this title or the rules or regulations thereunder by any member of such organization or person associated with such a member, or any class of such members or persons associated with a member.

Registration, suspension or revocation.

"(h)(1) The appropriate regulatory agency for a self-regulatory organization is authorized, by order, if in its opinion such action is necessary or appropriate in the public interest, for the protection of investors, or otherwise in furtherance of the purposes of this title, to suspend for a period not exceeding twelve months or revoke the registration of such self-regulatory organization, or to censure or impose limitations upon the activities, functions, and operations of such self-regulatory organization, if such appropriate regulatory agency finds, on the record after notice and opportunity for hearing, that such self-regulatory organization has violated or is unable to comply with any provision of this title, the rules or regulations thereunder, or its own rules or without reasonable justification or excuse has failed to enforce compliance—

Notice and hearing.

"(A) in the case of a national securities exchange, with any such provision by a member thereof or a person associated with a member thereof;

"(B) in the case of a registered securities association, with any such provision or any provision of the rules of the Municipal

Securities Rulemaking Board by a member thereof or a person associated with a member thereof; or

"(C) in the case of a registered clearing agency, with any provision of its own rules by a participant therein.

Notice and hearing.

"(2) The appropriate regulatory agency for a self-regulatory organization is authorized, by order, if in its opinion such action is necessary or appropriate in the public interest, for the protection of investors, or otherwise in furtherance of the purposes of this title, to suspend for a period not exceeding twelve months or expel from such self-regulatory organization any member thereof or participant therein, if such member or participant is subject to an order of the Commission pursuant to section 15(b)(4) of this title or if such appropriate regulatory agency finds, on the record after notice and opportunity for hearing, that such member or participant has willfully violated or has effected any transaction for any other person who, such member or participant had reason to believe, was violating with respect to such transaction—

Ante, p. 121.

"(A) in the case of a national securities exchange, any provision of the Securities Act of 1933, the Investment Advisers Act of 1940, the Investment Company Act of 1940, this title, or the rules or regulations under any of such statutes;

15 USC 77a, 80b-20. 15 USC 80a-51.

"(B) in the case of a registered securities association, any provision of the Securities Act of 1933, the Investment Advisers Act of 1940, the Investment Company Act of 1940, this title, the rules or regulations under any of such statutes, or the rules of the Municipal Securities Rulemaking Board; or

"(C) in the case of a registered clearing agency, any provision of the rules of the clearing agency.

Notice and hearing.

"(3) The appropriate regulatory agency for a national securities exchange or registered securities association is authorized, by order, if in its opinion such action is necessary or appropriate in the public interest, for the protection of investors, or otherwise in furtherance of the purposes of this title, to suspend for a period not exceeding twelve months or to bar any person from being associated with a member of such national securities exchange or registered securities association, if such person is subject to an order of the Commission pursuant to section 15(b)(6) or if such appropriate regulatory agency finds, on the record after notice and opportunity for hearing, that such person has willfully violated or has effected any transaction for any other person who, such person associated with a member had reason to believe, was violating with respect to such transaction—

"(A) in the case of a national securities exchange, any provision of the Securities Act of 1933, the Investment Advisers Act of 1940, the Investment Company Act of 1940, this title, or the rules or regulations under any of such statutes; or

"(B) in the case of a registered securities association, any provision of the Securities Act of 1933, the Investment Advisers Act of 1940, the Investment Company Act of 1940, this title, the rules or regulations under any of the statutes, or the rules of the Municipal Securities Rulemaking Board.

Notice and hearing.

"(4) The appropriate regulatory agency for a self-regulatory organization is authorized, by order, if in its opinion such action is necessary or appropriate in the public interest, for the protection of investors, or otherwise in furtherance of the purposes of this title, to remove from office or censure any officer or director of such self-regulatory organization, if such appropriate regulatory agency finds, on the record after notice and opportunity for hearing, that such officer or director has willfully violated any provision of this title, the rules

or regulations thereunder, or the rules of such self-regulatory organization, willfully abused his authority, or without reasonable justification or excuse has failed to enforce compliance—

"(A) in the case of a national securities exchange, with any such provision by any member or person associated with a member;

"(B) in the case of a registered securities association, with any such provision or any provision of the rules of the Municipal Securities Rulemaking Board by any member or person associated with a member; or

"(C) in the case of a registered clearing agency, with any provision of the rules of the clearing agency by any participant.

"(i) If a proceeding under subsection (h)(1) of this section results in the suspension or revocation of the registration of a clearing agency, the appropriate regulatory agency for such clearing agency may, upon notice to such clearing agency, apply to any court of competent jurisdiction specified in section 21(d) or 27 of this title for the appointment of a trustee. In the event of such an application, the court may, to the extent it deems necessary or appropriate, take exclusive jurisdiction of such clearing agency and the records and assets thereof, wherever located; and the court shall appoint the appropriate regulatory agency for such clearing agency or a person designated by such appropriate regulatory agency as trustee with power to take possession and continue to operate or terminate the operations of such clearing agency in an orderly manner for the protection of participants and investors, subject to such terms and conditions as the court may prescribe.".

Infra.
15 USC 78aa.

Investigations.

SEC. 17. Section 21 of the Securities Exchange Act of 1934 (15 U.S.C. 78u) is amended as follows:

(1) Subsection (a) thereof is amended to read as follows:

"(a) The Commission may, in its discretion, make such investigations as it deems necessary to determine whether any person has violated, is violating, or is about to violate any provision of this title, the rules or regulations thereunder, the rules of a national securities exchange or registered securities association of which such person is a member or a person associated with a member, the rules of a registered clearing agency in which such person is a participant, or the rules of the Municipal Securities Rulemaking Board, and may require or permit any person to file with it a statement in writing, under oath or otherwise as the Commission shall determine, as to all the facts and circumstances concerning the matter to be investigated. The Commission is authorized in its discretion, to publish information concerning any such violations, and to investigate any facts, conditions, practices, or matters which it may deem necessary or proper to aid in the enforcement of such provisions, in the prescribing of rules and regulations under this title, or in securing information to serve as a basis for recommending further legislation concerning the matters to which this title relates.".

Civil actions.

(2) Subsections (e) and (f) thereof are redesignated (d) and (e), respectively, and amended to read as follows:

"(d) Wherever it shall appear to the Commission that any person is engaged or is about to engage in acts or practices constituting a violation of any provision of this title, the rules or regulations thereunder, the rules of a national securities exchange or registered securities association of which such person is a member or a person associated with a member, the rules of a registered clearing agency in which such person is a participant, or the rules of the Municipal Securities Rule-

making Board, it may in its discretion bring an action in the proper district court of the United States, the United States District Court for the District of Columbia, or the United States courts of any territory or other place subject to the jurisdiction of the United States, to enjoin such acts or practices, and upon a proper showing a permanent or temporary injunction or restraining order shall be granted without bond. The Commission may transmit such evidence as may be available concerning such acts or practices as may constitute a violation of any provision of this title or the rules or regulations thereunder to the Attorney General, who may, in his discretion, institute the necessary criminal proceedings under this title.

"(e) Upon application of the Commission the district courts of the United States, the United States District Court for the District of Columbia, and the United States courts of any territory or other place subject to the jurisdiction of the United States shall have jurisdiction to issue writs of mandamus, injunctions, and orders commanding (1) any person to comply with the provisions of this title, the rules, regulations, and orders thereunder, the rules of a national securities exchange or registered securities association of which such person is a member or person associated with a member, the rules of a registered clearing agency in which such person is a participant, the rules of the Municipal Securities Rulemaking Board, or any undertaking contained in a registration statement as provided in subsection (d) of section 15 of this title, (2) any national securities exchange or registered securities association to enforce compliance by its members and persons associated with its members with the provisions of this title, the rules, regulations, and orders thereunder, and the rules of such exchange or association, or (3) any registered clearing agency to enforce compliance by its participants with the provisions of the rules of such clearing agency.". *Ante*, p. 121.

(3) The section is further amended by adding at the end thereof the following new subsections: 15 USC 78u.

"(f) Notwithstanding any other provision of this title, the Commission shall not bring any action pursuant to subsection (d) or (e) of this section against any person for violation of, or to command compliance with, the rules of a self-regulatory organization unless it appears to the Commission that (1) such self-regulatory organization is unable or unwilling to take appropriate action against such person in the public interest and for the protection of investors, or (2) such action is otherwise necessary or appropriate in the public interest or for the protection of investors.

"(g) Notwithstanding the provisions of section 1407(a) of title 28, United States Code, or any other provision of law, no action for equitable relief instituted by the Commission pursuant to the securities laws shall be consolidated or coordinated with other actions not brought by the Commission, even though such other actions may involve common questions of fact, unless such consolidation is consented to by the Commission. The term 'securities laws' as used herein includes the Securities Act of 1933 (15 U.S.C. 77 et seq.), the Securities Exchange Act of 1934 (15 U.S.C. 78a et seq.), the Public Utility Holding Company Act of 1935 (15 U.S.C. 79a et seq.), the Trust Indenture Act of 1939 (15 U.S.C. 77aaa et seq.), the Investment Company Act of 1940 (15 U.S.C. 80a-1 et seq.), the Investment Advisers Act of 1940 (15 U.S.C. 80b-1 et seq.), and the Securities Investor Protection Act of 1970 (15 U.S.C. 78aaa et seq.).". "Securities laws."

SEC. 18. Section 23 of the Securities Exchange Act of 1934 (15 U.S.C. 78w) is amended to read as follows:

"RULES, REGULATIONS, AND ORDERS; ANNUAL REPORTS

"SEC. 23. (a)(1) The Commission, the Board of Governors of the Federal Reserve System, and the other agencies enumerated in section 3(a)(34) of this title shall each have power to make such rules and regulations as may be necessary or appropriate to implement the provisions of this title for which they are responsible or for the execution of the functions vested in them by this title, and may for such purposes classify persons, securities, transactions, statements, applications, reports, and other matters within their respective jurisdictions, and prescribe greater, lesser, or different requirements for different classes thereof. No provision of this title imposing any liability shall apply to any act done or omitted in good faith in conformity with a rule, regulation, or order of the Commission, the Board of Governors of the Federal Reserve System, other agency enumerated in section 3(a)(34) of this title, any self-regulatory organization, notwithstanding that such rule, regulation, or order may thereafter be amended or rescinded or determined by judicial or other authority to be invalid for any reason.

Ante, p. 97.

"(2) The Commission, in making rules and regulations pursuant to any provisions of this title, shall consider among other matters the impact any such rule or regulation would have on competition. The Commission shall not adopt any such rule or regulation which would impose a burden on competition not necessary or appropriate in furtherance of the purposes of this title. The Commission shall include in the statement of basis and purpose incorporated in any rule or regulation adopted under this title, the reasons for the Commission's determination that any burden on competition imposed by such rule or regulation is necessary or appropriate in furtherance of the purposes of this title.

"(3) The Commission, in making rules and regulations pursuant to any provision of this title, considering any application for registration in accordance with section 19(a) of this title, or reviewing any proposed rule change of a self-regulatory organization in accordance with section 19(b) of this title, keep in a public file and make available for copying all written statements filed with the Commission and all written communications between the Commission and any person relating to the proposed rule, regulation, application, or proposed rule change; *Provided, however*, That the Commission shall not be required to keep in a public file or make available for copying any such statement or communication which it may withhold from the public in accordance with the provisions of section 552 of title 5, United States Code.

Ante, p. 146.

Annual report to Congress.

"(b)(1) The Commission, the Board of Governors of the Federal Reserve System, and the other agencies enumerated in section 3(a)(34) of this title, shall each make an annual report to the Congress on its work for the preceding year, and shall include in each such report whatever information, data, and recommendations for further legislation it considers advisable with regard to matters within its respective jurisdiction under this title.

"(2) The appropriate regulatory agency for a self-regulatory organization shall include in its annual report to the Congress for each fiscal year, a summary of its oversight activities under this title with respect to such self-regulatory organization, including a description of any examination conducted as part of such activities of any such organization, any material recommendation presented as part of such activities to such organization for changes in its organization or rules, and any action by such organization in response to any such recommendation.

"(3) The appropriate regulatory agency for any class of municipal securities dealers shall include in its annual report to the Congress for each fiscal year a summary of its regulatory activities pursuant to this title with respect to such municipal securities dealers, including the nature of and reason for any sanction imposed pursuant to this title against any such municipal securities dealer.

"(4) The Commission shall also include in its annual report to the Congress for each fiscal year—

"(A) a summary of the Commission's oversight activities with respect to self-regulatory organizations for which it is not the appropriate regulatory agency, including a description of any examination of any such organization, any material recommendation presented to any such organization for changes in its organization or rules, and any action by any such organization in response to any such recommendations;

"(B) a statement and analysis of the expenses and operations of each self-regulatory organization in connection with the performance of its responsibilities under this title, for which purpose data pertaining to such expenses and operations shall be made available by such organization to the Commission at its request;

"(C) beginning in 1975 and ending in 1980, information, data, and recommendations with respect to the development of a national system for the prompt and accurate clearance and settlement of securities transactions, including a summary of the regulatory activities, operational capabilities, financial resources, and plans of self-regulatory organizations and registered transfer agents with respect thereto;

"(D) beginning in 1975 and ending in 1980, a description of the steps taken, and an evaluation of the progress made, toward the establishment of a national market system, and recommendations for further legislation it considers advisable with respect to such system;

"(E) the steps the Commission has taken and the progress it has made toward ending the physical movement of the securities certificate in connection with the settlement of securities transactions, and its recommendations, if any, for legislation to eliminate the securities certificate;

"(F) The number of requests for exemptions from provisions of this title received, the number granted, and the basis upon which any such exemption was granted;

"(G) a summary of the Commission's regulatory activities with respect to municipal securities dealers for which it is not the appropriate regulatory agency, including the nature of, and reason for, any sanction imposed in proceedings against such municipal securities dealers;

"(H) beginning in 1975 and ending in 1980, a description of the effect the absence of any schedule or fixed rates of commissions, allowances, discounts, or other fees to be charged by members for effecting transactions on a national securities exchange is having on the maintenance of fair and orderly markets and the development of a national market system for securities;

"(I) a statement of the time elapsed between the filing of reports pursuant to section 13(f) of this title and the public availability of the information contained therein, the costs involved in the Commission's processing of such reports and tabulating such information, the manner in which the Commission uses such information, and the steps the Commission has taken and the

Ante, p. 119.

progress it has made toward requiring such reports to be filed and such information to be made available to the public in machine language;

"(J) information concerning (i) the effects its rules and regulations are having on the viability of small brokers and dealers; (ii) its attempts to reduce any unnecessary reporting burden on such brokers and dealers; and (iii) its efforts to help to assure the continued participation of small brokers and dealers in the United States securities markets; and

"(K) a statement detailing its administration of the Freedom of Information Act, section 552 of title 5, United States Code, including a copy of the report filed pursuant to subsection (d) of such section.

"(c) The Commission, by rule, shall prescribe the procedure applicable to every case pursuant to this title of adjudication (as defined in section 551 of title 5, United States Code) not required to be determined on the record after notice and opportunity for hearing. Such rules shall, as a minimum, provide that prompt notice shall be given of any adverse action or final disposition and that such notice and the entry of any order shall be accompanied by a statement of written reasons.".

SEC. 19. Section 24 of the Securities Exchange Act of 1934 (15 U.S.C. 78x) is amended to read as follows:

"PUBLIC AVAILABILITY OF INFORMATION

"Records." "SEC. 24. (a) For purposes of section 552 of title 5, United States Code, the term 'records' includes all applications, statements, reports, contracts, correspondence, notices, and other documents filed with or otherwise obtained by the Commission pursuant to this title or otherwise.

"(b) It shall be unlawful for any member, officer, or employee of the Commission to disclose to any person other than a member, officer, or employee of the Commission, or to use for personal benefit, any information contained in any application, statement, report, contract, correspondence, notice, or other document filed with or otherwise obtained by the Commission (1) in contravention of the rules and regulations of the Commission under section 552 of Title 5, United States Code, or (2) in circumstances where the Commission has determined pursuant to such rules to accord confidential treatment to such information. Nothing in this subsection shall authorize the Commission to withhold information from the Congress.".

SEC. 20. Section 25 of the Securities Exchange Act of 1934 (15 U.S.C. 78y) is amended to read as follows:

"COURT REVIEW OF ORDERS AND RULES

"SEC. 25. (a) (1) A person aggrieved by a final order of the Commission entered pursuant to this title may obtain review of the order in the United States Court of Appeals for the circuit in which he resides or has his principal place of business, or for the District of Columbia Circuit, by filing in such court, within sixty days after the entry of the order, a written petition requesting that the order be modified or set aside in whole or in part.

Petition, copy. "(2) A copy of the petition shall be transmitted forthwith by the clerk of the court to a member of the Commission or an officer designated by the Commission for that purpose. Thereupon the Commission shall file in the court the record on which the order complained of

is entered, as provided in section 2112 of title 28, United States Code, and the Federal Rules of Appellate Procedure.

28 USC app. Jurisdiction.

"(3) On the filing of the petition, the court has jurisdiction, which becomes exclusive on the filing of the record, to affirm or modify and enforce or to set aside the order in whole or in part.

"(4) The findings of the Commission as to the facts, if supported by substantial evidence, are conclusive.

"(5) If either party applies to the court for leave to adduce additional evidence and shows to the satisfaction of the court that the additional evidence is material and that there was reasonable ground for failure to adduce it before the Commission, the court may remand the case to the Commission for further proceedings, in whatever manner and on whatever conditions the court considers appropriate. If the case is remanded to the Commission, it shall file in the court a supplemental record containing any new evidence, any further or modified findings, and any new order.

"(b)(1) A person adversely affected by a rule of the Commission promulgated pursuant to section 6, 11, 11A, 15(c) (5) or (6), 15A, 17, 17A, or 19 of this title may obtain review of this rule in the United States Court of Appeals for the circuit in which he resides or has his principal place of business or for the District of Columbia Circuit, by filing in such court, within sixty days after the promulgation of the rule, a written petition requesting that the rule be set aside.

Ante, pp. 104, 110, 111, 121, 127, 137, 141, 146.

"(2) A copy of the petition shall be transmitted forthwith by the clerk of the court to a member of the Commission or an officer designated for that purpose. Thereupon, the Commission shall file in the court the rule under review and any documents referred to therein, the Commission's notice of proposed rulemaking and any documents referred to therein, all written submissions and the transcript of any oral presentations in the rulemaking, factual information not included in the foregoing that was considered by the Commission in the promulgation of the rule or proffered by the Commission as pertinent to the rule, the report of any advisory committee received or considered by the Commission in the rulemaking, and any other materials prescribed by the court.

"(3) On the filing of the petition, the court has jurisdiction, which becomes exclusive on the filing of the materials set forth in paragraph (2) of this subsection, to affirm and enforce or to set aside the rule.

Jurisdiction.

"(4) The findings of the Commission as to the facts identified by the Commission as the basis, in whole or in part, of the rule, if supported by substantial evidence, are conclusive. The court shall affirm and enforce the rule unless the Commission's action in promulgating the rule is found to be arbitrary, capricious, an abuse of discretion, or otherwise not in accordance with law; contrary to constitutional right, power, privilege, or immunity; in excess of statutory jurisdiction, authority, or limitations, or short of statutory right; or without observance of procedure required by law.

"(5) If proceedings have been instituted under this subsection in two or more courts of appeals with respect to the same rule, the Commission shall file the materials set forth in paragraph (2) of this subsection in that court in which a proceeding was first instituted. The other courts shall thereupon transfer all such proceedings to the court in which the materials have been filed. For the convenience of the parties in the interest of justice that court may thereafter transfer all the proceedings to any other court of appeals.

"(c)(1) No objection to an order or rule of the Commission, for which review is sought under this section, may be considered by the court unless it was urged before the Commission or there was reasonable ground for failure to do so.

"(2) The filing of a petition under this section does not operate as a stay of the Commission's order or rule. Until the court's jurisdiction becomes exclusive, the Commission may stay its order or rule pending judicial review if it finds that justice so requires. After the filing of a petition under this section, the court, on whatever conditions may be required and to the extent necessary to prevent irreparable injury, may issue all necessary and appropriate process to stay the order or rule or to preserve status or rights pending its review; but (notwithstanding section 705 of title 5, United States Code) no such process may be issued by the court before the filing of the record or the materials set forth in subsection (b)(2) of this section unless: (A) the Commission has denied a stay or failed to grant requested relief, (B) a reasonable period has expired since the filing of an application for a stay without a decision by the Commission, or (C) there was reasonable ground for failure to apply to the Commission.

"(3) When the same order or rule is the subject of one or more petitions for review filed under this section and an action for enforcement filed in a district court of the United States under section 21 (d) or (e) of this title, that court in which the petition or the action is first filed has jurisdiction with respect to the order or rule to the exclusion of any other court, and thereupon all such proceedings shall be transferred to that court; but, for the convenience of the parties in the interest of justice, that court may thereafter transfer all the proceedings to any other court of appeals or district court of the United States, whether or not a petition for review or an action for enforcement was originally filed in the transferee court. The scope of review by a district court under section 21 (d) or (e) of this title is in all cases the same as by a court of appeals under this section.

Ante, p. 154.

"(d)(1) For purposes of the preceding subsections of this section, the term 'Commission' includes the agencies enumerated in section 3(a)(34) of this title insofar as such agencies are acting pursuant to this title.

Ante, p. 97.

"(2) For purposes of subsection (a)(4) of this section and section 706 of title 5, United States Code, an order of the Commission pursuant to section 19(a) of this title denying registration to a clearing agency for which the Commission is not the appropriate regulatory agency or pursuant to section 19(b) of this title disapproving a proposed rule change by such a clearing agency shall be deemed to be an order of the appropriate regulatory agency for such clearing agency insofar as such order was entered by reason of a determination by such appropriate regulatory agency pursuant to section 19(a)(2)(C) or 19(b)(4)(C) of this title that such registration or proposed rule change would be inconsistent with the safeguarding of securities or funds.".

Ante, p. 146.

SEC. 21. Section 28 of the Securities Exchange Act of 1934 (15 U.S.C. 78bb) is amended as follows:

(1) Subsection (b) thereof is amended to read as follows:

"(b) Nothing in this title shall be construed to modify existing law with regard to the binding effect (1) on any member of or participant in any self-regulatory organization of any action taken by the authorities of such organization to settle disputes between its members or participants, (2) on any municipal securities dealer or municipal securities broker of any action taken pursuant to a procedure established by the Municipal Securities Rulemaking Board to settle disputes between municipal securities dealers and municipal securities brokers, or (3) of any action described in paragraph (1) or (2) on any person who has agreed to be bound thereby.".

(2) The section is further amended by adding at the end thereof the following new subsections:

"(c) The stay, setting aside, or modification pursuant to section 19(e) of this title of any disciplinary sanction imposed by a self-regulatory organization or a member thereof, person associated with a member, or participant therein, shall not affect the validity or force of any action taken as a result of such sanction by the self-regulatory organization prior to such stay, setting aside, or modification: *Provided*, That such action is not inconsistent with the provisions of this title or the rules or regulations thereunder. The rights of any person acting in good faith which arise out of any such action shall not be affected in any way by such stay, setting aside, or modification.

Ante, p. 146.

"(d) No State or political subdivision thereof shall impose any tax on any change in beneficial or record ownership of securities effected through the facilities of a registered clearing agency or registered transfer agent or any nominee thereof or custodian therefor or upon the delivery or transfer of securities to or through or receipt from such agency or agent or any nominee thereof or custodian therefor, unless such change is beneficial or record ownership or such transfer or delivery or receipt would otherwise be taxable by such State or political subdivision if the facilities of such registered clearing agency, registered transfer agent, or any nominee thereof or custodian therefor were not physically located in the taxing State or political subdivision. No State or political subdivision thereof shall impose any tax on securities which are deposited in or retained by a registered clearing agency, registered transfer agent, or any nominee thereof or custodian therefor, unless such securities would otherwise be taxable by such State or political subdivision if the facilities of such registered clearing agency, registered transfer agent, or any nominee thereof or custodian therefor were not physically located in the taxing State or political subdivision.

Taxation, prohibition.

"(e)(1) No person using the mails, or any means or instrumentality of interstate commerce, in the exercise of investment discretion with respect to an account shall be deemed to have acted unlawfully or to have breached a fiduciary duty under State or Federal law unless expressly provided to the contrary by a law enacted by the Congress or any State subsequent to the date of enactment of the Securities Acts Amendments in 1975 solely by reason of his having caused the account to pay a member of an exchange, broker, or dealer an amount of commission for effecting a securities transaction in excess of the amount of commission another member of an exchange, broker, or dealer would have charged for effecting that transaction, if such person determined in good faith that such amount of commission was reasonable in relation to the value of the brokerage and research services provided by such member, broker, or dealer, viewed in terms of either that particular transaction or his overall responsibilities with respect to the accounts as to which he exercises investment discretion. This subsection is exclusive and plenary insofar as conduct is covered by the foregoing, unless otherwise expressly provided by contract: *Provided, however*, That nothing in this subsection shall be construed to impair or limit the power of the Commission under any other provision of this title or otherwise.

"(2) A person exercising investment discretion with respect to an account shall make such disclosure of his policies and practices with respect to commissions that will be paid for effecting securities transactions, at such times and in such manner, as the appropriate regulatory agency, by rule, may prescribe as necessary or appropriate in the public interest or for the protection of investors.

Disclosure.

"(3) For purposes of this subsection a person provides brokerage and research services insofar as he—

"(A) furnishes advice, either directly or through publications or writings, as to the value of securities, the advisability of investing in, purchasing, or selling securities, and the availability of securities or purchasers or sellers of securities;

"(B) furnishes analyses and reports concerning issuers, industries, securities, economic factors and trends, portfolio strategy, and the performance of accounts; or

"(C) effects securities transactions and performs functions incidental thereto (such as clearance, settlement, and custody) or required in connection therewith by rules of the Commission or a self-regulatory organization of which such person is a member or person associated with a member or in which such person is a participant.".

SEC. 22. Section 31 of the Securities Exchange Act of 1934 (15 U.S.C. 78ee) is amended to read as follows:

"TRANSACTION FEES

"SEC. 31. Every national securities exchange shall pay to the Commission on or before March 15 of each calendar year a fee in an amount equal to one three-hundredths of 1 per centum of the aggregate dollar amount of the sales of securities (other than bonds, debentures, and other evidences of indebtedness) transacted on such national securities exchange during each preceding calendar year to which this section applies. Every registered broker and dealer shall pay to the Commission on or before March 15 of each calendar year a fee in an amount equal to one three-hundredths of 1 per centum of the aggregate dollar amount of the sales of securities registered on a national securities exchange (other than bonds, debentures, and other evidences of indebtedness) transacted by such broker or dealer otherwise than on such an exchange during each preceding calendar year: *Provided, however*, That no payment shall be required for any calendar year in which such payment would be less than one hundred dollars. The Commission, by rule, may exempt any sale of securities or any class of sales of securities from any fee imposed by this section, if the Commission finds that such exemption is consistent with the public interest, the equal regulation of markets and brokers and dealers, and the development of a national market system.".

SEC. 23. Section 32 of the Securities Exchange Act of 1934 (15 U.S.C. 78ff) is amended as follows:

(1) Subsection (a) thereof is amended by inserting after the phrase "section 15 of this title" the following: "or by any self-regulatory organization in connection with an application for membership or participation therein or to become associated with a member thereof,".

(2) Subsection (c) thereof is deleted.

SEC. 24. The Securities Exchange Act of 1934 (15 U.S.C. 78a et seq.), is amended by adding at the end thereof the following new section:

"AUTHORIZATION OF APPROPRIATIONS

15 USC 78kk.

"SEC. 35. There are hereby authorized to be appropriated to carry out the functions, powers, and duties of the Commission not to exceed $51,000,000 for the fiscal year ending June 30, 1976 and not to exceed $55,000,000 for the fiscal year ending September 30, 1977. For fiscal years succeeding the 1977 fiscal year, there may be appropriated such sums as the Congress may hereafter authorize by law.".

SEC. 25. The Act entitled "An Act to authorize the Securities and Exchange Commission to delegate certain functions", approved August 20, 1962 (15 U.S.C. 78d–1(b)), is amended as follows:

(1) The last sentence of subsection (a) of the first section thereof is amended by striking the phrase "any rule, regulation, or order pursuant to section 19(b)" and inserting in lieu thereof "any rule pursuant to section 19(c)".

(2) Subsection (b) of the first section thereof is amended to read as follows: Review.

"(b) With respect to the delegation of any of its functions, as provided in subsection (a) of this section, the Commission shall retain a discretionary right to review the action of any such division of the Commission, individual Commissioner, hearing examiner, employee, or employee board, upon its own initiative or upon petition of a party to or intervenor in such action, within such time and in such manner as the Commission, by rule, shall prescribe: *Provided, however*, That the vote of one member of the Commission shall be sufficient to bring any such action before the Commission for review: *And provided further*, That a person or party shall be entitled to review by the Commission if he or it is adversely affected by action at a delegated level which (1) denies any request for action pursuant to section 8(a) or section 8(c) of the Securities Act of 1933 or the first sentence of section 12(d) of the Securities Exchange Act of 1934; (2) suspends trading in a security pursuant to section 12(k) of the Securities Exchange Act of 1934; or (3) is pursuant to any provision of the Securities Exchange Act of 1934 in a case of adjudication, as defined in section 551 of title 5, United States Code, not required by that Act to be determined on the record after notice and opportunity for hearing (except to the extent there is involved a matter described in section 554(a) (1) through (6) of title 5, United States Code).". 15 USC 77h. 15 USC 78*l*. *Ante*, p. 118.

SEC. 26. Section 9(c) of the Securities Investor Protection Act of 1970 (15 U.S.C. 78iii(c)) is amended to read as follows:

"(c) INSPECTIONS.—The self-regulatory organization of which a member of SIPC is a member shall inspect or examine such member for compliance with applicable financial responsibility rules, except that if a member of SIPC is a member of more than one self-regulatory organization, the Commission, pursuant to section 17(d) of the 1934 Act, shall designate one of such self-regulatory organizations as responsible for the examination of such member for compliance with applicable financial responsibility rules.". *Ante*, p. 137.

SEC. 27. (a) Section 24 of the Securities Act of 1933 (15 U.S.C. 77x) is amended by changing the figure "5,000" to "10,000". Penalties.

(b) Section 32(a) of the Securities Exchange Act of 1934 (15 U.S.C. 78ff(a)) is amended by changing the phrase "or imprisoned not more than two years" to read "or imprisoned not more than five years".

(c) Section 29 of the Public Utility Holding Company Act of 1935 (15 U.S.C. 79z–3) is amended by changing the phrase "or imprisoned not more than two years" to read "or imprisoned not more than five years".

(d) Section 325 of the Trust Indenture Act of 1939 (15 U.S.C. 77yyy) is amended by changing the figure "$5,000" to "$10,000".

(e) Section 49 of the Investment Company Act of 1940 (15 U.S.C. 80a–48) is amended by changing the phrase "or imprisoned not more than two years" to read "or imprisoned not more than five years".

(f) Section 217 of the Investment Advisers Act of 1940 (15 U.S.C. 80b–17) is amended by changing the phrase "imprisoned for not more than two years" to read "imprisoned for not more than five years".

15 USC 80a-51. SEC. 28. The Investment Company Act of 1940 (15 U.S.C. 80a-15) is amended as follows:

15 USC 80a-15. (1) Section 15 thereof is amended by adding at the end thereof the following new subsection:

"(f)(1) An investment adviser, or a corporate trustee performing the functions of an investment adviser, of a registered investment company or an affiliated person of such investment adviser or corporate trustee may receive any amount or benefit in connection with a sale of securities of, or a sale of any other interest in, such investment adviser or corporate trustee which results in an assignment of an investment advisory contract with such company or the change in control of or identity of such corporate trustee, if—

"(A) for a period of three years after the time of such action, at least 75 per centum of the members of the board of directors of such registered company or such corporate trustee (or successor thereto, by reorganization or otherwise) are not (i) interested persons of the investment adviser of such company or such corporate trustee, or (ii) interested persons of the predecessor investment adviser or such corporate trustee; and

"(B) there is not imposed an unfair burden on such company as a result of such transaction or any express or implied terms, conditions, or understandings applicable thereto.

"(2)(A) For the purpose of paragraph (1)(A) of this subsection, interested persons of a corporate trustee shall be determined in accordance with section 2(a)(19)(B): *Provided*, That no person shall be deemed to be an interested person of a corporate trustee solely by reason of (i) his being a member of its board of directors or advisory board or (ii) his membership in the immediate family of any person specified in clause (i) of this subparagraph.

15 USC 80a-2.

"(B) For the purpose of paragraph (1)(B) of this subsection, an unfair burden on a registered investment company includes any arrangement, during the two-year period after the date on which any such transaction occurs, whereby the investment adviser or corporate trustee or predecessor or successor investment advisers or corporate trustee or any interested person of any such adviser or any such corporate trustee receives or is entitled to receive any compensation directly or indirectly (i) from any person in connection with the purchase or sale of securities or other property to, from, or on behalf of such company, other than bona fide ordinary compensation as principal underwriter for such company, or (ii) from such company or its security holders for other than bona fide investment advisory or other services.

"(3) If—

"(A) an assignment of an investment advisory contract with a registered investment company results in a successor investment adviser to such company, or if there is a change in control of or identity of a corporate trustee of a registered investment company, and such adviser or trustee is then an investment adviser or corporate trustee with respect to other assets substantially greater in amount than the amount of assets of such company, or

"(B) as a result of a merger of, or a sale of substantially all the assets by, a registered investment company with or to another registered investment company with assets substantially greater in amount, a transaction occurs which would be subject to paragraph (1)(A) of this subsection.

such discrepancy in size of assets shall be considered by the Commission in determining whether or to what extent an application under section 6(c) for exemption from the provisions of paragraph (1)(A) should be granted.

"(4) Paragraph (1)(A) of this subsection shall not apply to a transaction in which a controlling block of outstanding voting securities of an investment adviser to a registered investment company or of a corporate trustee performing the functions of an investment adviser to a registered investment company is—

"(A) distributed to the public and in which there is, in fact, no change in the identity of the persons who control such investment adviser or corporate trustee, or

"(B) transferred to the investment adviser or the corporate trustee, or an affiliated person or persons of such investment adviser or corporate trustee, or is transferred from the investment adviser or corporate trustee to an affiliated person or persons of the investment adviser or corporate trustee: *Provided*, That (i) each transferee (other than such adviser or trustee) is a natural person and (ii) the transferees (other than such adviser or trustee) owned in the aggregate more than 25 per centum of such voting securities for a period of at least six months prior to such transfer.".

(2) Section 15(c) thereof is amended by adding at the end thereof a new sentence as follows: "It shall be unlawful for the directors of a registered investment company, in connection with their evaluation of the terms of any contract whereby a person undertakes regularly to serve or act as investment adviser of such company, to take into account the purchase price or other consideration any person may have paid in connection with a transaction of the type referred to in paragraph (1), (3), or (4) of subsection (f).". 15 USC 80a-15.

(3) Section 16 thereof is amended as follows: 15 USC 80a-16.

(A) in the first sentence of subsection (b) by striking out "The provisions of subsection (a) of this section" and inserting in lieu thereof "The foregoing provisions of this section";

(B) by redesignating subsection (b) as subsection (c), striking out "this subsection (b)" therein, and inserting in lieu thereof "this subsection (c)"; and

(C) by adding after subsection (a) thereof the following new subsection:

Registered investment company, board of directors, vacancies.

"(b) Any vacancy on the board of directors of a registered investment company which occurs in connection with compliance with section 15(f)(1)(A) and which must be filled by a person who is not an interested person of either party to a transaction subject to section 15(f)(1)(A) shall be filled only by a person (1) who has been selected and proposed for election by a majority of the directors of such company who are not such interested persons, and (2) who has been elected by the holders of the outstanding voting securities of such company, except that in the case of the death, disqualification, or bona fide resignation of a director selected and elected pursuant to clauses (1) and (2) of this subsection (b), the vacancy created thereby may be filled as provided in subsection (a).". *Ante*, p. 164.

(4) Section 13(b), 15(d), 18(i), and 32(a) thereof are amended by striking out the phrases "subsection (b) of section 16" and "section 16(b)" wherever they occur and inserting in lieu thereof "section 16(c)". 15 USC 80a-13, 80a-15, 80a-18, 80a-31.

(5) Section 10(e) thereof is amended to read as follows: 15 USC 80a-10.

"(e) If by reason of the death, disqualification, or bona fide resignation of any director or directors, the requirements of the foregoing provisions of this section or of section 15(f)(1) in respect of directors shall not be met by a registered investment company, the operation of such provision shall be suspended as to such registered company—

"(1) for a period of thirty days if the vacancy or vacancies may be filled by action of the board of directors;

"(2) for a period of sixty days if a vote of stockholders is required to fill the vacancy or vacancies; or

"(3) for such longer period as the Commission may prescribe, by rules and regulations upon its own motion or by order upon application, as not inconsistent with the protection of investors.".

"Investment adviser."
15 USC 80a-9.

(6) Section 9 thereof is amended by adding at the end thereof the following new subsection:

"(d) For the purposes of subsection (a) through (c) of this section, the term 'investment adviser' includes a corporate or other trustee performing the functions of an investment adviser.".

15 USC 80a-35.

(7) Section 36 thereof is further amended by adding at the end thereof the following new subsection:

"(d) For the purposes of subsections (a) through (c) of this section, the term 'investment adviser' includes a corporate or other trustee performing the functions of an investment adviser.".

15 USC 80b-20.

SEC. 29. The Investment Advisers Act of 1940 (15 U.S.C. 80b) is amended as follows:

(1) Subsection (c) of section 203 thereof is amended to read as follows:

Investment adviser, registration.

"(c)(1) An investment adviser, or any person who presently contemplates becoming an investment adviser, may be registered by filing with the Commission an application for registration in such form and containing such of the following information and documents as

15 USC 80b-3.

the Commission, by rule, may prescribe as necessary or appropriate in the public interest or for the protection of investors:

"(A) the name and form of organization under which the investment adviser engages or intends to engage in business; the name of the State or other sovereign power under which such investment adviser is organized; the location of his or its principal business office and branch offices, if any; the names and addresses of his or its partners, officers, directors, and persons performing similar functions or, if such an investment adviser be an individual, of such individual; and the number of his or its employees;

"(B) the education, the business affiliations for the past ten years, and the present business affiliations of such investment adviser and of his or its partners, officers, directors, and persons performing similar functions and of any controlling person thereof;

"(C) the nature of the business of such investment adviser, including the manner of giving advice and rendering analyses or reports;

"(D) a balance sheet certified by an independent public accountant and other financial statements (which shall, as the Commission specifies, be certified);

"(E) the nature and scope of the authority of such investment adviser with respect to clients' funds and accounts;

"(F) the basis or bases upon which such investment adviser is compensated;

"(G) whether such investment adviser, or any person associated with such investment adviser, is subject to any disqualification which would be a basis for denial, suspension, or revocation of registration of such investment adviser under the provisions of subsection (e) of this section; and

"(H) a statement as to whether the principal business of such investment adviser consists or is to consist of acting as invest-

ment adviser and a statement as to whether a substantial part of the business of such investment adviser, consists or is to consist of rendering investment supervisory services.

"(2) Within forty-five days of the date of the filing of such application (or within such longer period as to which the applicant consents) the Commission shall—

"(A) by order grant such registration; or

"(B) institute proceedings to determine whether registration should be denied. Such proceedings shall include notice of the grounds for denial under consideration and opportunity for hearing and shall be concluded within one hundred twenty days of the date of the filing of the application for registration. At the conclusion of such proceedings the Commission, by order, shall grant or deny such registration. The Commission may extend the time for conclusion of such proceedings for up to ninety days if it finds good cause for such extension and publishes its reasons for so finding or for such longer period as to which the applicant consents.

Notice and hearing.

The Commission shall grant such registration if the Commission finds that the requirements of this section are satisfied. The Commission shall deny such registration if it does not make such a finding or if it finds that if the applicant were so registered, its registration would be subject to suspension or revocation under subsection (e) of this section.".

Censure or revocation of registration.
15 USC 80b-3.

(2) Subsection (e) of section 203 thereof, is amended to read as follows:

"(e) The Commission, by order, shall censure, place limitations on the activities, functions, or operations of, suspend for a period not exceeding twelve months, or revoke the registration of any investment adviser if it finds, on the record after notice and opportunity for hearing, that such censure, placing of limitations, suspension, or revocation is in the public interest and that such investment adviser, or any person associated with such investment adviser, whether prior to or subsequent to becoming so associated—

Notice and hearing.

"(1) has willfully made or caused to be made in any application for registration or report required to be filed with the Commission under this title, or in any proceeding before the Commission with respect to registration, any statement which was at the time and in the light of the circumstances under which it was made false or misleading with respect to any material fact, or has omitted to state in any such application or report any material fact which is required to be stated therein.

"(2) has been convicted within ten years preceding the filing of any application for registration or at any time thereafter of any felony or misdemeanor which the Commission finds—

"(A) involves the purchase or sale of any security, the taking of a false oath, the making of a false report, bribery, perjury, burglary, or conspiracy to commit any such offense;

"(B) arises out of the conduct of the business of a broker, dealer, municipal securities dealer, investment adviser, bank, insurance company, or fiduciary;

"(C) involves the larceny, theft, robbery, extortion, forgery, counterfeiting, fraudulent concealment, embezzlement, fraudulent conversion, or misappropriation of funds or securities; or

"(D) involves the violation of section 152, 1341, 1342, or 1343 or chapter 25 or 47 of title 18, United States Code.

18 USC 471 *et seq.*, 1001 *et seq.*

"(3) is permanently or temporarily enjoined by order, judgment, or decree of any court of competent jurisdiction from acting

as an investment adviser, underwriter, broker, dealer, or municipal securities dealer, or as an affiliated person or employee of any investment company, bank, or insurance company, or from engaging in or continuing any conduct or practice in connection with any such activity, or in connection with the purchase or sale of any security.

"(4) has willfully violated any provision of the Securities Act of 1933, the Securities Exchange Act of 1934, the Investment Company Act of 1940, this title, or the rules or regulations under any such statutes or any rule of the Municipal Securities Rulemaking Board, or is unable to comply with any such provision.

15 USC 77a, 78a, 80a-51.

"(5) has willfully aided, abetted, counseled, commanded, induced, or procured the violation by any other person of any provision of the Securities Act of 1933, the Securities Exchange Act of 1934, the Investment Company Act of 1940, this title, the rules or regulations under any of such statutes, or the rules of the Municipal Securities Rulemaking Board, or has failed reasonably to supervise, with a view to preventing violations of the provisions of such statutes, rules, and regulations, another person who commits such a violation, if such other person is subject to his supervision. For the purposes of this paragraph (5) no person shall be deemed to have failed reasonably to supervise any person, if—

"(A) there have been established procedures, and a system for applying such procedures, which would reasonably be expected to prevent and detect, insofar as practicable, any such violation by such other person, and

"(B) such person has reasonably discharged the duties and obligations incumbent upon him by reason of such procedures and system without reasonable cause to believe that such procedures and system were not being complied with.

"(6) is subject to an order of the Commission entered pursuant to subsection (f) of this section barring or suspending the right of such person to be associated with an investment adviser which order is in effect with respect to such person.".

(3) Subsection (f) of section 203 thereof is amended to read as follows:

Censure or limitation.

15 USC 80b-3.

"(f) The Commission, by order, shall censure or place limitations on the activities of any person associated or seeking to become associated with an investment adviser, or suspend for a period not exceeding twelve months or bar any such person from being associated with an investment adviser, if the Commission finds, on the record after notice and opportunity for hearing, that such censure, placing of limitations, suspension, or bar is in the public interest and that such person has committed or omitted any act or omission enumerated in paragraph (1), (4), or (5) of subsection (e) of this section or has been convicted of any offense specified in paragraph (2) of said subsection (e) within ten years of the commencement of the proceedings under this subsection, or is enjoined from any action, conduct, or practice specified in paragraph (3) of said subsection (e). It shall be unlawful for any person as to whom such an order suspending or barring him from being associated with an investment adviser is in effect willfully to become, or to be, associated with an investment adviser without the consent of the Commission, and it shall be unlawful for any investment adviser to permit such a person to become, or remain, a person associated with him without the consent of the Commission, if such investment adviser knew, or in the exercise of reasonable care, should have known, of such order.".

Notice and hearing.

(4) Section 203 thereof is further amended by striking out subsection (g) thereof and redesignating subsections (h) and (i) thereof as subsections (g) and (h), respectively. 15 USC 80b-3.

(5) Section 204 thereof is amended to read as follows:

Use of mails or instrumentality of interstate commerce, recordkeeping requirements. 15 USC 80b-4. *Ante*, p. 97.

"SEC. 204. Every investment adviser who makes use of the mails or of any means or instrumentality of interstate commerce in connection with his or its business as an investment adviser (other than one specifically exempted from registration pursuant to section 203(b) of this title), shall make and keep for prescribed periods such records (as defined in section 3(a)(37) of the Securities Exchange Act of 1934), furnish such copies thereof, and make and disseminate such reports as the Commission, by rule, may prescribe as necessary or appropriate in the public interest or for the protection of investors. All records (as so defined) of such investment advisers are subject at any time, or from time to time, to such reasonable periodic, special, or other examinations by representatives of the Commission as the Commission deems necessary or appropriate in the public interest or for the protection of investors.".

Domestic security transactions, exemptions.

SEC. 30. Section 4 of the Securities Act of 1933 (15 U.S.C. 77(d)) is amended by adding at the end thereof the following new paragraph:

"(5)(A) Transactions involving offers or sales of one or more promissory notes directly secured by a first lien on a single parcel of real estate upon which is located a dwelling or other residential or commercial structure, and participation interests in such notes—

"(i) where such securities are originated by a savings and loan association, savings bank, commercial bank, or similar banking institution which is supervised and examined by a Federal or State authority, and are offered and sold subject to the following conditions:

"(a) the minimum aggregate sales price per purchaser shall not be less than $250,000;

"(b) the purchaser shall pay cash either at the time of the sale or within sixty days thereof; and

"(c) each purchaser shall buy for his own account only; or

"(ii) where such securities are originated by a mortgagee approved by the Secretary of Housing and Urban Development pursuant to sections 203 and 211 of the National Housing Act and are offered or sold subject to the three conditions specified in subparagraph (A)(i) to any institution described in such subparagraph or to any insurance company subject to the supervision of the insurance commissioner, or any agency or officer performing like function, of any State or territory of the United States or the District of Columbia, or the Federal Home Loan Mortgage Corporation, the Federal National Mortgage Association, or the Government National Mortgage Association. 12 USC 1709, 1715b.

"(B) Transactions between any of the entities described in subparagraph (A)(i) or (A)(ii) hereof involving non-assignable contracts to buy or sell the foregoing securities which are to be completed within two years, where the seller of the foregoing securities pursuant to any such contract is one of the parties described in subparagraph (A)(i) or (A)(ii) who may originate such securities and the purchaser of such securities pursuant to any such contract is any institution described in subparagraph (A)(i) or any insurance company described in subparagraph (A)(ii), the Federal Home Loan Mortgage Corporation, Federal National Mortgage Association, or the Government National Mortgage Association and where the foregoing securities are subject to the three conditions for sale set forth in subparagraphs (A)(i) (a) through (c).

"(C) The exemption provided by subparagraphs (A) and (B) hereof shall not apply to resales of the securities acquired pursuant thereto, unless each of the conditions for sale contained in subparagraphs (A)(1) (a) through (c) are satisfied.".

Effective date.
15 USC 78b note.

SEC. 31. (a) This Act shall become effective on the date of its enactment except as hereinafter provided. The amendments made by this Act to sections 3(a)(12), 6(a) through (d), 11A(b), 15(a), 15A, 15B(a), 17A(b) and (c), and 19(g) of the Securities Exchange Act of 1934 shall become effective one hundred eighty days after the date of enactment of this Act, and the amendments made by this Act to section 31 of the Securities Exchange Act of 1934 shall become effective on January 1, 1976. Neither the provisions of section 3(a)(3), 6(b)(2), or 6(c)(1) of the Securities Exchange Act of 1934 (as amended by this Act) nor any rule or regulation thereunder shall apply so as to deprive any person of membership in any national securities exchange (or its successor) of which such person was, on the date of enactment of this Act, a member or a member firm as defined in the constitution of such exchange, or so as to deny membership in any such exchange (or its successor) to any natural person who is or becomes associated with such member or member firm.

Ante, pp. 97, 104, 111, 121, 127, 131, 141, 146.
Ante, p. 162.

15 USC 78f note.

(b) If it appears to the Commission at any time within one year of the effective date of any amendment made by this Act to the Securities Exchange Act of 1934 that the organization or rules of any national securities exchange or registered securities association registered with the Commission on the date of enactment of this Act do not comply with such Act as amended, the Commission shall so notify such exchange or association in writing, specifying the respects in which the exchange or association is not in compliance with such Act. On and after the one hundred eightieth day following the date of receipt of such notice by a national securities exchange or registered securities association, the Commission, without regard to the provisions of section 19(h) of the Securities Exchange Act of 1934, as amended by this Act, is authorized by order, to suspend the registration of any such exchange or association or impose limitations on the activities, functions, and operations of any such exchange or association, if the Commission finds, after notice and opportunity for hearing, that the organization or rules of such exchange or association do not comply with such Act. Any such suspension or limitation shall continue in effect until the Commission, by order, declares that such exchange or association is in compliance with such requirements.

Ante, p. 146.

Approved June 4, 1975.

LEGISLATIVE HISTORY:

HOUSE REPORTS No. 94-123 accompanying H.R. 4111 (Comm. on Interstate and Foreign Commerce) and No. 94-229 (Comm. of Conference).
SENATE REPORT No. 94-75 (Comm. on Banking, Housing and Urban Affairs).
CONGRESSIONAL RECORD, Vol. 121 (1975):
Apr. 17, considered and passed Senate.
Apr. 24, considered and passed House, amended, in lieu of H.R. 4111.
May 20, Senate agreed to conference report.
May 22, House agreed to conference report.
WEEKLY COMPILATION OF PRESIDENTIAL DOCUMENTS, Vol. 11, No. 23:
June 5, Presidential statement.

Public Law 94-30
94th Congress

An Act

To authorize the increase of the Federal share of certain projects under title 23, United States Code.

June 4, 1975
[H.R. 3786]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, notwithstanding any other provision of law, the Federal share of any project approved by the Secretary of Transportation under section 106(a), and of any project for which the United States becomes obligated to pay under section 117, of title 23, United States Code, during the period beginning February 12, 1975, and ending September 30, 1975 (both dates inclusive), shall be such percentage of the construction cost as the State highway department requests, up to and including 100 per centum.

Federal-aid highway funds.
23 USC 120 note.

SEC. 2. The total amount of such increases in the Federal share as are made pursuant to the first section of this Act for any State shall be repaid to the United States by such State before January 1, 1977. Such repayments shall be deposited in the Highway Trust Fund. No project shall be approved under section 106 or section 117 of title 23, United States Code, for any project in any State which has failed to make its repayment in accordance with this section until such repayment has been made.

Repayments.
23 USC 120 note.

SEC. 3. Notwithstanding any other provision of law, any money apportioned under section 104(b) of title 23, United States Code, for any one Federal-aid highway system in a State (other than the Interstate System) may be used during the period beginning February 12, 1975, and ending September 30, 1975 (both dates inclusive), for any project in that State on any Federal-aid highway system (other than the Interstate System). The Secretary shall deduct from moneys apportioned to a State under section 104(b) of title 23, United States Code, after the date of enactment of this section for a Federal-aid highway system on which money has been used under authority of the preceding sentence, an amount equal to the money so used, and the deducted amount shall be repaid and credited to the last apportionment made for the system for which the money so used was originally apportioned. Each deduction made under the preceding sentence shall be at least 50 per centum of the annual apportionment to which the deduction applies until full repayment has been made.

Apportioned funds.
23 USC 104 note.

Approved June 4, 1975.

LEGISLATIVE HISTORY:

HOUSE REPORT No. 94-109 (Comm. on Public Works and Transportation).
SENATE REPORT No. 94-149 accompanying S. 952 (Comm. on Public Works).
CONGRESSIONAL RECORD, Vol. 121 (1975):
Apr. 10, considered and passed House.
May 22, considered and passed Senate, amended, in lieu of S. 952; House concurred in Senate amendment.
WEEKLY COMPILATION OF PRESIDENTIAL DOCUMENTS, Vol. 11, No. 23:
June 5, Presidential statement.

Public Law 94–31
94th Congress

An Act

June 10, 1975
[H.R. 4109]

To amend the Grand Canyon National Park Enlargement Act (88 Stat. 2089).

Grand Canyon National Park, Ariz.
16 USC 228j.
Report to President.
16 USC 228i-1.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Act of January 3, 1975 (88 Stat. 2089), is amended by inserting the following section and by renumbering section 11 as section 12:

"SEC. 11. Within two years from the date of enactment of this Act the Secretary of the Interior shall report to the President, in accordance with subsections 3(c) and 3(d) of the Wilderness Act (78 Stat. 890; 16 U.S.C. 1132 (c) and (d)), his recommendations as to the suitability or nonsuitability of any area within the national park for preservation as wilderness, and any designation of any such areas as a wilderness shall be accomplished in accordance with said subsections of the Wilderness Act.".

Approved June 10, 1975.

LEGISLATIVE HISTORY:

HOUSE REPORT No. 94–148 (Comm. on Interior and Insular Affairs).
SENATE REPORT No. 94–143 (Comm. on Interior and Insular Affairs).
CONGRESSIONAL RECORD, Vol. 121 (1975):
Apr. 21, considered and passed House.
June 2, considered and passed Senate.

Public Law 94-32
94th Congress

An Act

Making supplemental appropriations for the fiscal year ending June 30, 1975, and for other purposes.

June 12, 1975
[H.R. 5899]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the following sums are appropriated, out of any money in the Treasury not otherwise appropriated, to supply supplemental appropriations (this Act may be cited as the "Second Supplemental Appropriations Act, 1975") for the fiscal year ending June 30, 1975, and for other purposes, namely:

Second Supplemental Appropriations Act, 1975.

TITLE I

CHAPTER I

DEPARTMENT OF AGRICULTURE

Farmers Home Administration

AGRICULTURAL CREDIT INSURANCE FUND

Additional loans may be insured, or made to be sold and insured under this Fund in accordance with and subject to the provisions of 7 U.S.C. 1928–1929 as follows: operating loans, $100,000,000.

Food and Nutrition Service

CHILD NUTRITION PROGRAMS

For an additional amount to carry out the National School Lunch Act, as amended (42 U.S.C. 1751–1761), and the applicable provisions other than section 3 of the Child Nutrition Act of 1966, as amended (42 U.S.C. 1773–1785), $176,856,000, to remain available until expended, including $52,000,000 for the summer operations of the Special Food Program, from which sum the Secretary shall apportion to each State an amount of the funds appropriated for the program for the period May through September 1975 that bears the same ratio to the total of such funds as the amount of funds expended during the period May through September 1974 in such State bears to the total amount of funds expended in the program during the same period in all States. If any State cannot utilize all of the funds so apportioned to it, the Secretary shall make further distribution to the remaining States based on need for such funds.

FOOD STAMP PROGRAM

For an additional amount for the "Food stamp program", $884,815,000, to remain available until expended.

SPECIAL MILK PROGRAM

For an additional amount to carry out the provisions of the "Special milk program", as authorized by section 3 of the Child Nutrition Act of 1966, as amended (42 U.S.C. 1772), $5,000,000.

CHAPTER II

DEPARTMENT OF DEFENSE—MILITARY

Military Personnel

MILITARY PERSONNEL, ARMY

For an additional amount for "Military personnel, Army", $28,265,000.

MILITARY PERSONNEL, MARINE CORPS

For an additional amount for "Military personnel, Marine Corps", $6,140,000.

MILITARY PERSONNEL, AIR FORCE

For an additional amount for "Military personnel, Air Force", $11,669,000.

Retired Military Personnel

RETIRED PAY, DEFENSE

For an additional amount for "Retired pay, Defense", $210,300,000.

CHAPTER III

DISTRICT OF COLUMBIA

Federal Funds

FEDERAL PAYMENT TO THE DISTRICT OF COLUMBIA

For an additional amount for "Federal payment to the District of Columbia", to be paid to the general fund of the District of Columbia, $5,000,000.

District of Columbia Funds

GENERAL OPERATING EXPENSES

For an additional amount for "General operating expenses", $1,021,000.

PUBLIC SAFETY

For an additional amount for "Public safety", $2,284,600.

EDUCATION

For an additional amount for "Education", $1,792,800.

HUMAN RESOURCES

For an additional amount for "Human resources", $1,733,500.

HIGHWAYS AND TRAFFIC

For an additional amount for "Highways and traffic", $605,000, of which $305,000 shall be payable from the highway fund.

ENVIRONMENTAL SERVICES

For an additional amount for "Environmental services", $1,200,000, of which $600,000 shall be payable from the water fund, and $500,000 from the sanitary sewage works fund.

SETTLEMENT OF CLAIMS AND SUITS

For an additional amount for "Settlement of claims and suits", $166,300.

DIVISION OF EXPENSES

The sums appropriated herein for the District of Columbia shall be paid out of the general fund of the District of Columbia, except as otherwise specifically provided.

CHAPTER IV

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

COMMUNITY DEVELOPMENT GRANTS

For grants to States and units of general local government, to be used only for expenses necessary for carrying out a community development grant program authorized by section 106(d)(2) of title I of the Housing and Community Development Act of 1974, $54,625,000, to remain available until September 30, 1977. 42 USC 5306.

INDEPENDENT AGENCIES

VETERANS ADMINISTRATION

COMPENSATION AND PENSIONS

For an additional amount for "Compensation and pensions", $256,400,000, to remain available until expended.

READJUSTMENT BENEFITS

For an additional amount for "Readjustment benefits", $425,000,000, to remain available until expended.

MEDICAL CARE

For an additional amount for "Medical care", $36,239,000.

CONSTRUCTION, MAJOR PROJECTS

For an additional amount for "Construction, major projects", $27,202,000, to remain available until expended.

CONSTRUCTION, MINOR PROJECTS

For an additional amount for "Construction, minor projects", $7,706,000, to remain available until expended.

NATIONAL COMMISSION ON WATER QUALITY

SALARIES AND EXPENSES

For an additional amount for "Salaries and expenses", $2,000,000, to remain available until expended.

ENVIRONMENTAL PROTECTION AGENCY

ABATEMENT AND CONTROL

To carry out the provisions of section 1444 of the Safe Drinking Water Act, $4,000,000, to remain available until expended.

42 USC 300j-3.

CHAPTER V

DEPARTMENT OF THE INTERIOR

BUREAU OF LAND MANAGEMENT

MANAGEMENT OF LANDS AND RESOURCES

For an additional amount for "Management of lands and resources", $19,950,000.

BUREAU OF OUTDOOR RECREATION

LAND AND WATER CONSERVATION FUND

For an additional amount from the "Land and Water Conservation Fund", $7,492,000, which shall be available to the National Park Service for land acquisition, to remain available until expended.

UNITED STATES FISH AND WILDLIFE SERVICE

CONSTRUCTION AND ANADROMOUS FISH

For an additional amount for "Construction and anadromous fish", $350,000, to remain available until expended.

NATIONAL PARK SERVICE

PLANNING AND CONSTRUCTION

For an additional amount for "Planning and construction", $2,300,000: *Provided*, That these funds shall be available to assist in constructing a sewage system and treatment plant in cooperation with the towns of Harpers Ferry and Bolivar, West Virginia, to serve such towns and the Harpers Ferry National Historical Park: *Provided further*, That this appropriation shall be rescinded if H.R. 4481 is enacted into law and contains funds for this purpose.

BUREAU OF INDIAN AFFAIRS

OPERATION OF INDIAN PROGRAMS

For an additional amount for "Operation of Indian programs", $6,800,000, of which $200,000 shall remain available until October 1, 1975: *Provided*, That with the exception of $28,352,000 for public school assistance, none of the funds appropriated under this head in

this or any other appropriations Act for fiscal year 1975 shall remain available beyond June 30, 1975, unless specifically provided otherwise in such Acts.

CONSTRUCTION

For an additional amount for "Construction", $3,000,000, as authorized by Public Law 93-638, title II, part B, to remain available until expended. 25 USC 458.

OFFICE OF TERRITORIAL AFFAIRS

ADMINISTRATION OF TERRITORIES

For an additional amount for "Administration of Territories", $900,000, to remain available until expended.

TRUST TERRITORY OF THE PACIFIC ISLANDS

For an additional amount for "Trust Territory of the Pacific Islands", $8,050,000 to remain available until expended: *Provided*, That none of these funds shall be available until the enactment of authorizing legislation.

RELATED AGENCIES

DEPARTMENT OF AGRICULTURE

FOREST SERVICE

FOREST PROTECTION AND UTILIZATION

For an additional amount for "Forest protection and utilization", for "Forest land management", $105,000,000.

FEDERAL ENERGY ADMINISTRATION

SALARIES AND EXPENSES

For an additional amount for "Salaries and expenses", $3,000,000 to remain available until expended.

PAYMENTS TO THE U.S. VIRGIN ISLANDS AND PUERTO RICO

(Indefinite Appropriation of Receipts)

There shall be appropriated from the Treasury and transferred and paid into the treasuries of Puerto Rico and of the United States Virgin Islands the amount, as determined by the Administrator of the Federal Energy Administration, of all import license fees collected by the Administrator pursuant to Presidential Proclamation Numbered 3279, as amended, between May 1, 1973, and January 31, 1975, exclusive of refunds and reductions, for imports of crude oil, unfinished oils, and finished products, into Puerto Rico (other than imports from the United States Virgin Islands) and into the Customs Territory of the United States from the United States Virgin Islands. Such sums so transferred and paid over shall be used and expended by the Governments of Puerto Rico and the United States Virgin Islands for public purposes as authorized by law. 19 USC 1862 note.

SMITHSONIAN INSTITUTION

SALARIES AND EXPENSES

For an additional amount for "Salaries and expenses", $390,000.

SALARIES AND EXPENSES, NATIONAL GALLERY OF ART

For an additional amount for "Salaries and expenses, National Gallery of Art", $90,000.

CHAPTER VI

DEPARTMENT OF LABOR

MANPOWER ADMINISTRATION

FEDERAL UNEMPLOYMENT BENEFITS AND ALLOWANCES

Appropriations available for payments under this head shall also be available for payment of trade adjustment benefit payments and allowances authorized by part I, subchapter B, chapter 2, title II, of the Trade Act of 1974: *Provided*, That amounts received during the current fiscal year from the Postal Service or recovered from the States pursuant to 5 U.S.C. 8505(d) shall be available for payments during the year.

19 USC 2291.

ADVANCES TO THE UNEMPLOYMENT TRUST FUND AND OTHER FUNDS

For repayable advances to the Unemployment Trust Fund, as authorized by Sections 905(d) and 1203 of the Social Security Act, as amended, and for nonrepayable advances to the "Federal unemployment benefits and allowances" account, to remain available until September 30, 1976, $5,000,000,000.

42 USC 1105, 1323.

Funds appropriated by this Act, or any other Act, for the payments of special unemployment assistance under title II of the Emergency Jobs and Unemployment Assistance Act of 1974 shall not be used for making such payments of assistance or waiting period credit, beginning after the date of enactment of this Act, to any individual who performs services in an instructional, research, or principal administrative capacity for an educational institution or agency with respect to any week commencing during the period between two successive academic years (or, when the contract provides instead for a similar period between two regular but not successive terms, during such similar period) if—

26 USC 3304 note.

(1) such individual performed services in any such capacity for any educational institution or agency for the first of such academic years or terms; and

(2) such individual has a contract to perform services in any such capacity for any educational institution or agency for the latter of such academic years or terms.

DEPARTMENTAL MANAGEMENT

SALARIES AND EXPENSES

For an additional amount for "Salaries and expenses", $150,000.

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

HEALTH SERVICES ADMINISTRATION

HEALTH SERVICES

Of the funds appropriated for Health Services by Public Law 93-517, $5,000,000 shall remain available through June 30, 1976, for the National Health Service Corps, in addition to funds provided to the National Health Service Corps by Public Law 93-324, as amended.

88 Stat. 1634.

88 Stat. 281.

NATIONAL INSTITUTES OF HEALTH

NATIONAL INSTITUTE OF ARTHRITIS, METABOLISM AND DIGESTIVE DISEASES

For an additional amount for expenses necessary to carry out the National Arthritis Act of 1974 with respect to the National Commission on Arthritis and Related Musculoskeletal Diseases, $300,000 for fiscal year 1975.

42 USC 289c-1 note.

ALCOHOL, DRUG ABUSE, AND MENTAL HEALTH ADMINISTRATION

SAINT ELIZABETHS HOSPITAL

For an additional amount for "Saint Elizabeths Hospital", $1,192,000, of which, $1,058,000 shall be derived by transfer from the appropriation for "Health Resources", fiscal year 1975.

HEALTH RESOURCES ADMINISTRATION

HEALTH RESOURCES

(INCLUDING TRANSFER OF FUNDS)

For an additional amount for "Health resources", for carrying out to the extent not otherwise provided, the National Health Planning and Resources Development Act of 1974, and sections 301 and 305 (b)(3) of the Public Health Service Act, without regard to the requirements of section 308 of said Act, $118,900,000, of which $10,000,000 shall be available until December 31, 1975 for carrying out section 3 of the National Health Planning and Resources Development Act of 1974, and of which $22,000,000 shall remain available until expended for carrying out section 305(b)(3) of the Public Health Service Act: *Provided*, That, in addition, $8,500,000 may be transferred to this appropriation, as authorized by section 201(g) of the Social Security Act, from any one or all of the trust funds referred to therein.

42 USC 300k note.
42 USC 241, 242c.
42 USC 242f.
42 USC 401.

OFFICE OF EDUCATION

ELEMENTARY AND SECONDARY EDUCATION

For an additional amount for "Elementary and secondary education" for carrying out the Alcohol and Drug Abuse Education Act, and part B of the Headstart-Follow Through Act, $6,500,000.

21 USC 1001 note.
42 USC 2929.

EMERGENCY SCHOOL AID

For carrying out section 705 ($185,588,000), section 708(a) ($11,309,000), section 708(c) ($9,052,000), section 711 ($6,794,000), and section 713 ($2,257,000) of the Emergency School Aid Act, $215,000,000, to remain available until September 30, 1975.

20 USC 1604, 1607, 1610, 1612.

EDUCATION FOR THE HANDICAPPED

For an additional amount for "Education for the Handicapped" for carrying out part F of the Education of the Handicapped Act, $250,000.

20 USC 1451.

HIGHER EDUCATION

For an additional amount for "Higher education", $74,900,000, of which $7,500,000 for veterans' cost-of-instruction payments shall remain available until June 30, 1975, and $67,400,000, for insured loans shall remain available until expended: *Provided*, That title I, Chapter VII of Public Law 93-305 (Second Supplemental Appropriations Act, 1974) is amended by striking out the paragraph following "Higher Education" and substituting therefor: "For carrying out section 705(a) of the Higher Education Act, without regard to other provisions of said Act, $250,000 to be used in connection with construction projects for extension and continuing education programs: *Provided*, That such sums shall remain available for obligation through June 30, 1975".

88 Stat. 195.

20 USC 1132 a-4.

STUDENT LOAN INSURANCE FUND

For an additional amount for "Student Loan Insurance Fund", $82,600,000, to remain available until expended.

SOCIAL AND REHABILITATION SERVICE

PUBLIC ASSISTANCE

For an additional amount for "Public assistance", $1,729,748,000, including $252,000 to carry out section 1113 of the Social Security Act.

42 USC 1313.

REHABILITATION SERVICES

For an additional amount for "Rehabilitation services", for carrying out sections 301 and 304(b)(3) of the Rehabilitation Act of 1973, as amended, $2,300,000, and for carrying out title III of H.R. 14225 (93d Congress), $25,000, to remain available until expended.

29 USC 771, 774.
29 USC 701 note.

SOCIAL SECURITY ADMINISTRATION

SPECIAL BENEFITS FOR DISABLED COAL MINERS

For an additional amount for "Special benefits for disabled coal miners", $80,844,000: *Provided*, That the appointments of administrative law judges for this program shall terminate not later than December 31, 1976.

SUPPLEMENTAL SECURITY INCOME PROGRAM

For an additional amount for "Supplemental security income program", $83,102,000.

LIMITATION ON SALARIES AND EXPENSES

For an additional amount for "Limitation on salaries and expenses", $78,668,000.

SPECIAL INSTITUTIONS

GALLAUDET COLLEGE

For an additional amount for "Gallaudet College", $8,052,000, of which $7,766,000 shall be for construction and shall remain available until expended.

HOWARD UNIVERSITY

For an additional amount for "Howard University," $2,050,000.

ASSISTANT SECRETARY FOR HUMAN DEVELOPMENT

HUMAN DEVELOPMENT

For an additional amount for "Human development", for carrying out, except as otherwise provided, titles V, part A, and VIII of the Community Services Act of 1974, $473,000,000, of which $7,000,000 shall remain available through October 31, 1975. 42 USC 2921, 2991.

OFFICE OF THE SECRETARY

DEPARTMENTAL MANAGEMENT

For an additional amount for "Departmental management", and for carrying out, to the extent not otherwise provided, section 232 of the Community Services Act of 1974, $16,587,000. 42 USC 2825.

RELATED AGENCIES

COMMUNITY SERVICES ADMINISTRATION

COMMUNITY SERVICES PROGRAM

For the operations of the Community Services Administration to remain available until September 30, 1975, pursuant to the provisions of Public Law 93-644, $492,400,000: *Provided*, That no part of the funds appropriated in this paragraph shall be available for any grant until the Director has determined that the grantee is qualified to administer the funds and programs involved in the proposed grant: *Provided further*, That all grant agreements shall provide that the General Accounting Office shall have access to the records of the grantee which bear exclusively upon the Federal grant. 42 USC 2701 note.

FEDERAL MEDIATION AND CONCILIATION SERVICE

SALARIES AND EXPENSES

For an additional amount for "Salaries and expenses", to carry out the mediation provisions of the Act of December 22, 1974 (88 Stat. 1712), $300,000, to remain available until expended. 25 USC 640d.

RAILROAD RETIREMENT BOARD

LIMITATION ON SALARIES AND EXPENSES

For an additional amount for "Limitation on salaries and expenses", $717,000: *Provided*, That the amount herein, together with funds available in Public Law 93-517, shall be available for the payment of standard level user charges, to be derived from the railroad retirement accounts.

CHAPTER VII

LEGISLATIVE BRANCH

SENATE

SALARIES, OFFICERS AND EMPLOYEES

COMMITTEE EMPLOYEES

For an additional amount for "Committee Employees", $75,050.

ADMINISTRATIVE AND CLERICAL ASSISTANTS TO SENATORS

2 USC 61-1 note.

For an additional amount for "Administrative and Clerical Assistants to Senators", $26,274: *Provided*, That effective January 1, 1975, the clerk hire allowance of each Senator from the State of Texas shall be increased to that allowed Senators from States having a population of more than twelve million, the population of said State having exceeded twelve million inhabitants.

CONTINGENT EXPENSES OF THE SENATE

MISCELLANEOUS ITEMS

2 USC 123c.

For an additional amount for "Miscellaneous Items", $165,000: *Provided*, That, notwithstanding any other provision of law, the Sergeant at Arms, subject to the approval of the Committee on Rules and Administration, is hereafter authorized to enter into multi-year leases for automatic data processing equipment.

STATIONERY (REVOLVING FUND)

2 USC 46a.

For an additional amount for "Stationery (Revolving Fund)", $225: *Provided*, That effective April 1, 1975, and each fiscal year thereafter, the annual allowance for stationery for the President of the Senate shall be $4,500.

ADMINISTRATIVE PROVISIONS

1. The unexpended balances of any of the appropriations granted under the heading "Salaries, Officers and Employees" for the current fiscal year shall be available to the Secretary of the Senate to pay the increases in the compensation of officers and employees notwithstanding the limitations contained therein.

2 USC 601.

2. Subject to the provisions of section 201(f) of the Congressional Budget Act of 1974, during such period that the expenses of the Congressional Budget Office are paid from the contingent fund of the Senate, the provisions of the paragraph relating to advances for expenses of Senate committees under the heading "SENATE" in the Act of March 3, 1879 (2 U.S.C. 69), shall apply to the Congressional Budget Office in the same manner as it applies to committees of the Senate, and for such purpose the Director of such Office shall be treated as the chairman of a committee of the Senate.

25 USC 174 note.

3. Subject to the provisions of section 7 of the resolution entitled a "Joint Resolution to provide for the establishment of the American Indian Policy Review Commission", approved January 2, 1975 (88 Stat. 1910), during such period as the expenses of the American Indian

Policy Review Commission are paid from the contingent fund of the Senate, the provisions of the paragraph relating to advances for expenses of Senate committees under the heading "SENATE" in the Act of March 3, 1879 (2 U.S.C. 69), shall apply to the American Indian Policy Review Commission in the same manner as it applies to committees of the Senate, and for such purpose the Chairman of such Commission shall be treated as the chairman of a committee of the Senate.

4. Section 3 under the heading "Administrative Provisions" in the appropriation for the Senate in the Legislative Branch Appropriation Act, 1975 (Public Law 93-371), is amended by redesignating subsection (f) as subsection (g) and by inserting after subsection (e) the following new subsection: 2 USC 59 note. 88 Stat. 429.

"(f)(1) Subject to the provisions of paragraphs (2), (3), (4), and (5), a Senator may lease one mobile office for use only in the State he represents and shall be reimbursed from the contingent fund of the Senate for the rental payments made under such lease together with the actual nonpersonnel cost of operating such mobile office. The term of any such lease shall not exceed one year. A copy of each such lease shall be furnished to the Sergeant at Arms of the Senate. 2 USC 59.

"(2) The maximum aggregate annual rental payments and operating costs (except furniture, equipment, and furnishings) that may be reimbursed to a Senator under paragraph (1) shall not at any time exceed an amount determined by multiplying (A) the highest applicable rate per square foot charged Federal agencies by the Administrator of General Services in the State which that Senator represents, based upon a 100 percent building quality rating, by (B) the maximum aggregate square feet of office space to which that Senator is entitled under subsection (b) reduced by the number of square feet contained in offices secured for that Senator under subsection (a) and used by that Senator and his employees to perform their duties.

"(3) No reimbursement shall be made under paragraph (1) for rental payments and operating costs of a mobile office of a Senator unless the following provisions are included in its lease:

"(A) Liability insurance in the amount of $1,000,000 shall be provided with respect to the operation and use of such mobile office.

"(B) The following inscription shall be clearly visible on three sides of such mobile office in letters not less than four inches high:

"'Mobile Office of Senator (name of Senator)
"'FOR OFFICIAL OFFICE USE ONLY'.

"(4) No reimbursement shall be made under paragraph (1) for rental payments and operating costs of a mobile office of a Senator which are attributable to or incurred during the 60-day period ending with the date of any primary or general election (whether regular, special, or runoff) in which that Senator is a candidate for public office, unless his candidacy in such election is uncontested.

"(5) Reimbursement under paragraph (1) shall be made on a quarterly basis and shall be paid upon vouchers approved by the Sergeant at Arms of the Senate."

5. Notwithstanding paragraph (3) of section 105(e) of the Legislative Branch Appropriations Act, 1968, as amended, two employees of the Senate Select Committee to Study Governmental Operations With Respect to Intelligence Activities may be paid at the highest gross rate provided in subparagraph (A) of such paragraph, and eleven employees of such committee may be paid at the next highest gross rate provided in such subparagraph. 2 USC 61-1 note. 2 USC 61-1.

HOUSE OF REPRESENTATIVES

HOUSE LEADERSHIP OFFICES

For an additional amount for "House leadership offices", $6,000, including: Office of the Speaker, $1,000; Office of the Majority Floor Leader, $2,000; Office of the Minority Floor Leader, $1,000; Office of the Majority Whip, $1,000; and Office of the Minority Whip, $1,000.

SALARIES, OFFICERS AND EMPLOYEES

For an additional amount for "Salaries, officers and employees", $142,000, including: Office of the Clerk, $60,000; House Democratic Steering Committee, $41,000; and House Republican Conference, $41,000.

COMMITTEE EMPLOYEES

For an additional amount for "Committee employees", $3,148,000.

COMMITTEE ON APPROPRIATIONS (INVESTIGATIONS)

For an additional amount for "Committee on Appropriations (investigations)", $159,000.

CONTINGENT EXPENSES OF THE HOUSE

MISCELLANEOUS ITEMS

For an additional amount for "Miscellaneous items", $1,407,500.

TELEGRAPH AND TELEPHONE

For an additional amount for "Telegraph and telephone", $500,000.

GOVERNMENT CONTRIBUTIONS

For an additional amount for "Government contributions", $417,500.

LEADERSHIP AUTOMOBILES

For an additional amount for "Leadership automobiles", $4,500.

REVISION OF LAWS

For an additional amount for "Revision of laws", $1,000.

JOINT ITEMS

CONTINGENT EXPENSES OF THE HOUSE

JOINT COMMITTEE ON INTERNAL REVENUE TAXATION

For an additional amount for "Joint Committee on Internal Revenue Taxation", $75,000.

OFFICE OF THE ATTENDING PHYSICIAN

For an additional amount for the "Office of the Attending Physician", $171,004, for reimbursement to the Department of the Navy for expenses incurred for staff and equipment assigned to the Office

of the Attending Physician. Such amount shall be advanced and credited to the applicable appropriation or appropriations from which such salaries, allowances, and other expenses are payable and shall be available for all the purposes thereof.

CAPITOL POLICE

CAPITOL POLICE BOARD

For an additional amount for "Capitol Police Board", $186,090.

EDUCATION OF PAGES

For an additional amount for "Education of pages", $16,735.

ARCHITECT OF THE CAPITOL

CAPITOL BUILDINGS AND GROUNDS

CAPITOL BUILDINGS

For an additional amount for "Capitol Buildings", $250,000, to remain available until expended, and to be expended in accordance with the provisions of H. Con. Res. 550, Ninety-second Congress, agreed to September 19, 1972, and the limit of cost authorized by such resolution, as increased by the Second Supplemental Appropriations Act, 1973, is hereby further increased by the amount herein appropriated. 87 Stat. 99.

CAPITOL POWER PLANT

For an additional amount for "Capitol power plant", $3,100,000.

CHAPTER VIII

DEPARTMENT OF DEFENSE—CIVIL

DEPARTMENT OF THE ARMY

CORPS OF ENGINEERS—CIVIL

CONSTRUCTION, GENERAL

For an additional amount for "Construction, General", to remain available until expended, $1,160,000.

ADMINISTRATIVE PROVISION

OPERATION AND MAINTENANCE

For an additional amount for "Operation and Maintenance, General", $35,000,000, to remain available until expended.

NUCLEAR REGULATORY COMMISSION

SALARIES AND EXPENSES

For necessary expenses of the Nuclear Regulatory Commission as authorized by law, including services as authorized by 5 U.S.C. 3109, $44,400,000, to remain available until expended.

DEPARTMENT OF THE INTERIOR

BUREAU OF RECLAMATION

OPERATION AND MAINTENANCE

For an additional amount for "Operation and maintenance", $3,800,000, to be derived from the reclamation fund.

CHAPTER IX

DEPARTMENT OF STATE

ADMINISTRATION OF FOREIGN AFFAIRS

SALARIES AND EXPENSES

For an additional amount for "Salaries and expenses", $9,227,000.

ACQUISITION, OPERATION, AND MAINTENANCE OF BUILDINGS ABROAD

(SPECIAL FOREIGN CURRENCY PROGRAM)

For an additional amount for "Acquisition, operation and maintenance of buildings abroad (special foreign currency program)", $7,000,000, to remain available until expended: *Provided*, That this appropriation shall be available only upon the enactment into law of H.R. 4510 or equivalent legislation.

PAYMENT TO FOREIGN SERVICE RETIREMENT AND DISABILITY FUND

For an additional amount for "Payment to Foreign Service retirement and disability fund", $1,420,000.

INTERNATIONAL ORGANIZATIONS AND CONFERENCES

MISSIONS TO INTERNATIONAL ORGANIZATIONS

For an additional amount for "Missions to international organizations", $300,000.

INTERNATIONAL CONFERENCES AND CONTINGENCIES

(TRANSFER OF FUNDS)

For an additional amount for "International conferences and contingencies", $1,000,000, to be derived by transfer from the appropriation for "Mutual educational and cultural exchange activities", fiscal year 1975, to remain available until December 31, 1975, of which not to exceed $15,000 may be expended for representation allowances as authorized by section 901 of the Act of August 13, 1946, as amended (22 U.S.C. 1131) and for official entertainment: *Provided*, That in addition to the amount made available for representation allowances and official entertainment under this heading in the Department of State Appropriation Act, 1975, not to exceed $20,000 shall be available for such purposes.

88 Stat. 1187.

CONTRIBUTIONS FOR INTERNATIONAL PEACEKEEPING ACTIVITIES

For payments, not otherwise provided for, by the United States to meet expenses of the United Nations Emergency Force and the United Nations Disengagement and Observer Force in the Middle East, $28,837,000, notwithstanding the limitation in Public Law 92-544 (86 Stat. 1110): *Provided*, That this appropriation shall be available only upon enactment into law of authorizing legislation.

DEPARTMENT OF JUSTICE

LEGAL ACTIVITIES AND GENERAL ADMINISTRATION

SALARIES AND EXPENSES, GENERAL ADMINISTRATION

(TRANSFER OF FUNDS)

For an additional amount for "Salaries and Expenses, General Administration", $72,000 to be derived by transfer from the appropriation "Salaries and Expenses, Law Enforcement Assistance Administration, 1975".

SALARIES AND EXPENSES, GENERAL LEGAL ACTIVITIES

(TRANSFER OF FUNDS)

For an additional amount for "Salaries and expenses, general legal activities", $246,000, to be derived by transfer from the appropriation "Salaries and expenses", Law Enforcement Assistance Administration, fiscal year 1975.

SALARIES AND EXPENSES, ANTITRUST DIVISION

(TRANSFER OF FUNDS)

For an additional amount for "Salaries and expenses, Antitrust Division", $955,000, to be derived by transfer from the appropriation "Salaries and expenses", Law Enforcement Assistance Administration, fiscal year 1975.

SALARIES AND EXPENSES, UNITED STATES ATTORNEYS AND MARSHALS

(INCLUDING TRANSFER OF FUNDS)

For an additional amount for "Salaries and expenses, United States attorneys and marshals", $886,000, of which $586,000 shall be derived by transfer from the appropriation "Salaries and expenses", Law Enforcement Assistance Administration, fiscal year 1975: *Provided*, That of the total amount available to this appropriation not to exceed $500,000 shall be available for payment of compensation and expenses of Commissioners appointed in condemnation cases under Rule 71A(h) of the Federal Rules of Civil Procedure. 28 USC app.

FEDERAL BUREAU OF INVESTIGATION

SALARIES AND EXPENSES

(TRANSFER OF FUNDS)

For an additional amount for "Salaries and expenses", $3,570,000, to be derived by transfer from the appropriation "Salaries and

expenses", Law Enforcement Assistance Administration, fiscal year 1975.

FEDERAL PRISON SYSTEM

SUPPORT OF UNITED STATES PRISONERS

(TRANSFER OF FUNDS)

For an additional amount for "Support of United States prisoners", $2,400,000 to be derived by transfer from the appropriation "Salaries and Expenses, Law Enforcement Assistance Administration, 1975".

LAW ENFORCEMENT ASSISTANCE ADMINISTRATION

For an additional amount for "salaries and expenses", $15,000,000 to carry out title II of the Juvenile Justice and Delinquency Prevention Act of 1974, to remain available until August 31, 1975: *Provided*, That an additional $10,000,000 previously appropriated for "salaries and expenses, Law Enforcement Assistance Administration" shall remain available until December 31, 1975, to carry out title II of the Juvenile Justice and Delinquency Prevention Act and to be used only for administrative expenses, including personnel, State planning costs and special emphasis and treatment programs.

42 USC 5611.

DEPARTMENT OF COMMERCE

DOMESTIC AND INTERNATIONAL BUSINESS ADMINISTRATION

OPERATIONS AND ADMINISTRATION

For an additional amount for "Operations and administration", $1,600,000, to remain available until expended, including funds to carry out the provisions of the Defense Production Act of 1950, as amended (50 U.S.C. 2061–2166).

50 USC app. 2061.

NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION

COASTAL ZONE MANAGEMENT

For an additional amount for "Coastal zone management", $3,000,000, to remain available until expended.

SCIENCE AND TECHNICAL RESEARCH

SCIENTIFIC AND TECHNICAL RESEARCH AND SERVICES

For an additional amount for "Scientific and technical research and services", $1,000,000, to remain available until expended.

FISHERMEN'S GUARANTY FUND

For an additional amount for the "Fishermen's Guaranty Fund", $1,910,000 to remain available until expended.

OFFSHORE SHRIMP FISHERIES FUND

For expenses necessary to carry out the provisions of the Offshore Shrimp Fisheries Act of 1973, $230,000 to remain available until expended.

16 USC 1100b note.

THE JUDICIARY

COURTS OF APPEALS, DISTRICT COURTS, AND OTHER JUDICIAL SERVICES

ADMINISTRATIVE OFFICE OF THE UNITED STATES COURTS

(TRANSFER OF FUNDS)

For an additional amount for "Salaries and Expenses, Administrative Office of the United States Courts," $112,000, to be derived by transfer from the appropriation "Space and facilities, the Judiciary," fiscal year 1975.

EXPENSES OF REFEREES

For an additional amount for "Expenses of Referees," $52,000, to be derived from the Referees' salary and expense fund established pursuant to the Act of June 28, 1946, as amended (11 U.S.C. 68, 102), and, to the extent of any deficiency in said fund, from any monies in the Treasury not otherwise appropriated.

SPEEDY TRIAL PLANNING

For carrying out the initial phases of planning and implementation of speedy trial plans pursuant to Title I of the Speedy Trial Act of 1974, $2,500,000, to remain available until expended, and to be allocated to the Federal judicial districts by the Administrative Office of the United States Courts. 18 USC 3161.

PRETRIAL SERVICES AGENCIES

For salaries and expenses of Pretrial Services Agencies to be established pursuant to Title II of the Speedy Trial Act of 1974, including supportive services to defendants released pending trial, $10,000,000, to remain available until expended. 18 USC 3152.

FEDERAL JUDICIAL CENTER

SALARIES AND EXPENSES

(TRANSFER OF FUNDS)

For an additional amount for "Salaries and Expenses", $1,020,000, to be derived by transfer from the appropriation "Fees of jurors", fiscal year 1975.

EXPENSES, UNITED STATES COURT FACILITIES

FURNITURE AND FURNISHINGS

(TRANSFER OF FUNDS)

For an additional amount for "Furniture and Furnishings", $1,200,000, to be derived by transfer from the appropriation "Space and facilities, the Judiciary", fiscal year 1975.

RELATED AGENCIES

EQUAL EMPLOYMENT OPPORTUNITY COMMISSION

SALARIES AND EXPENSES

For an additional amount for "Salaries and expenses", fiscal year 1974, $929,000, to defray a deficiency incurred in that year.

DEPARTMENT OF THE TREASURY

BUREAU OF ACCOUNTS

FISHERMEN'S PROTECTIVE FUND

22 USC 1979.

For payment to the "Fishermen's Protective Fund", in accordance with section 5 of Public Law 92-569 approved October 26, 1972, $3,000,000, to remain available until expended.

UNITED STATES INFORMATION AGENCY

SALARIES AND EXPENSES

For an additional amount for "Salaries and expenses", $1,529,000.

CHAPTER X

DEPARTMENT OF TRANSPORTATION

COAST GUARD

OPERATING EXPENSES

For an additional amount for "Operating expenses", $24,500,000.

RETIRED PAY

For an additional amount for "Retired pay", $9,150,000.

FEDERAL AVIATION ADMINISTRATION

OPERATION AND MAINTENANCE, NATIONAL CAPITAL AIRPORTS

For an additional amount for "Operation and maintenance, national capital airports", $850,000 to be derived by transfer from the appropriation for "Civil supersonic aircraft development".

FEDERAL HIGHWAY ADMINISTRATION

RAILROAD-HIGHWAY CROSSINGS DEMONSTRATION PROJECTS

For an additional amount for "Railroad-highway crossings demonstration projects", $360,000, to remain available until expended.

OVERSEAS HIGHWAY

88 Stat. 2288.

For necessary expenses for construction of the Overseas Highway in accordance with the provisions of section 118, "Federal-Aid Highway Amendments of 1974", to remain available until expended, $500,000, to be derived from the "Highway Trust Fund".

FEDERAL RAILROAD ADMINISTRATION

RAILROAD SAFETY

(INCLUDING TRANSFER OF FUNDS)

For an additional amount for "Railroad safety", $1,700,000, of which $700,000 shall be derived by transfer from the appropriation for "Railroad research and development", fiscal year 1975.

GRANTS TO THE NATIONAL RAILROAD PASSENGER CORPORATION

For an additional amount for "Grants to the National Railroad Passenger Corporation", $76,225,000, to remain available until expended: *Provided*, That $59,800,000 of this appropriation shall be available only upon enactment of authorizing legislation.

RAIL TRANSPORTATION IMPROVEMENT AND EMPLOYMENT

For administrative expenses and preparation of plans to provide assistance to financially distressed railroads for repairing, rehabilitating, and improving railroad roadbeds and facilities, $5,000,000 to remain available until December 31, 1976: *Provided, however*, That these funds shall be available only upon the enactment of authorizing legislation.

URBAN MASS TRANSPORTATION ADMINISTRATION

URBAN MASS TRANSPORTATION FUND

LIQUIDATION OF CONTRACT AUTHORIZATION

For an additional payment to the Urban Mass Transportation Fund, for liquidation of contractual obligations incurred under authority of the Urban Mass Transportation Act of 1964 (49 U.S.C. 1601 et seq., as amended by Public Laws 93-453 and 93-503) and sections 103(e)(4) and 142(c) of Title 23, U.S. Code, $50,000,000, to remain available until expended; and authority is hereby provided to use any undisbursed balances appropriated under this heading prior to August 29, 1974, for the purposes of Public Law 93-503 (National Mass Transportation Assistance Act of 1974). 49 USC 1601b note.

RESEARCH, DEVELOPMENT AND DEMONSTRATIONS AND UNIVERSITY RESEARCH AND TRAINING

For an additional amount for "Research, Development and Demonstrations", $1,500,000, to remain available until expended: *Provided*, That the amount shall be available for the purpose of title II, Public Law 93-503 (National Mass Transportation Assistance Act of 1974). 49 USC 1605 note.

RELATED AGENCIES

INTERSTATE COMMERCE COMMISSION

SALARIES AND EXPENSES

For an additional amount for "Salaries and expenses", $500,000.

UNITED STATES RAILWAY ASSOCIATION

ADMINISTRATIVE EXPENSES

For an additional amount for "Administrative Expenses", $5,000,000, to remain available until expended.

WASHINGTON METROPOLITAN AREA TRANSIT AUTHORITY

FEDERAL CONTRIBUTION

For an additional amount for "Federal contribution" to enable the Department of Transportation to pay the Washington Metropolitan Area Transit Authority, for the fiscal year 1975, $679,000, to remain available until expended, toward expenses necessary to design, construct, procure, and install elevators for the handicapped in stations of a rapid rail transit system as authorized by the Federal-Aid Highway Act of 1973 (Public Law 93-87 approved August 13, 1973), and for the fiscal year 1976, $17,145,000, to remain available until expended, 23 USC 101 note.

toward expenses necessary to design, engineer, construct, and equip a rapid rail transit system as authorized by the National Capital Transportation Act of 1969 (Public Law 91-143) as amended, including acquisition of rights-of-way, land and interest therein.

D.C. Code 1-1441 note.

CHAPTER XI

DEPARTMENT OF THE TREASURY

Bureau of Accounts

SALARIES AND EXPENSES

For an additional amount for "Salaries and expenses", $13,621,000.

SPECIAL PAYMENT TO RECIPIENTS OF CERTAIN RETIREMENT AND SURVIVOR BENEFITS

For an additional amount for "Special payment to recipients of certain retirement and survivor benefits", $1,750,000,000.

Bureau of the Public Debt

ADMINISTERING THE PUBLIC DEBT

For an additional amount for "Administering the public debt", $7,000,000.

Internal Revenue Service

ACCOUNTS, COLLECTION AND TAXPAYER SERVICE

For an additional amount for "Accounts, collection and taxpayer service", $1,000,000.

COMPLIANCE

For an additional amount for "Compliance", $2,000,000.

U.S. Postal Service

PAYMENT TO THE POSTAL SERVICE FUND

For an additional amount for "Payment to the Postal Service Fund", $44,085,000.

EXECUTIVE OFFICE OF THE PRESIDENT

Special Assistance to the President

Of the amount provided under this head in the "Treasury, Postal Service, and General Government Appropriation Act, 1975", $40,000 shall be available for expenses of travel, notwithstanding the provisions of section 501 of the Act.

88 Stat. 613.

88 Stat. 629.

INDEPENDENT AGENCIES

Civil Service Commission

SALARIES AND EXPENSES

For an additional amount for "Salaries and Expenses" $100,000.

PAYMENT TO CIVIL SERVICE RETIREMENT AND DISABILITY FUND

For an additional amount for "Payment to Civil Service Retirement and Disability Fund", $371,070,000.

INTERGOVERNMENTAL PERSONNEL ASSISTANCE

The amount made available in the appropriation under this head in the Treasury, Postal Service, and General Government Appropriation Act, 1975, shall remain available until September 30, 1976. 88 Stat. 613.

COMMISSION ON FEDERAL PAPERWORK

SALARIES AND EXPENSES

For an additional amount for "Salaries and expenses", $50,000.

GENERAL SERVICES ADMINISTRATION

FEDERAL BUILDINGS FUND

LIMITATIONS ON AVAILABILITY OF REVENUE

In addition to the aggregrate amount made available for real property management and related activities under this heading in the Treasury, Postal Service, and General Government Appropriation Act, 1975, and the Supplemental Appropriations Act, 1975, 88 Stat. 1771. $28,000,000 shall be available for such purposes and the limitation on the amount made available for rental of space is increased to $392,000,000.

GENERAL PROVISIONS

The limitation on the aggregate amount of purchase contracts pursuant to section 5 of the Public Buildings Amendments of 1972 (Public Law 92-313) contained in section 507 of title V, Public Law 93-381, 40 USC 602a. is increased to $396,106,000. 88 Stat. 630.

U.S. TAX COURT

CONSTRUCTION

For necessary expenses to complete the construction of the United States Tax Court Building Project, including a plaza to bridge Interstate Highway 95 between the Tax Court Building and Second Street, N.W., in the District of Columbia, $2,000,000, to remain available until expended: *Provided*, That such sums as are necessary may be transferred to the General Services Administration for execution of the work.

TEMPORARY STUDY COMMISSIONS

NATIONAL COMMISSION ON SUPPLIES AND SHORTAGES

SALARIES AND EXPENSES

Funds appropriated under this heading in the Supplemental Appropriations Act, 1975, shall remain available until December 31, 1975.

CHAPTER XII

CLAIMS AND JUDGMENTS

CLAIMS AND JUDGMENTS

For payment of claims settled and determined by departments and agencies in accord with law and judgments rendered against the United States by the United States Court of Claims and United States district courts, as set forth in House Document Numbered 79 and

Senate Document Numbered 40, Ninety-fourth Congress, $94,037,225, together with such amounts as may be necessary to pay interest (as and when specified in such judgments or provided by law) and such additional sums due to increases in rates of exchange as may be necessary to pay claims in foreign currency: *Provided*, That no judgment herein appropriated for shall be paid until it shall become final and conclusive against the United States by failure of the parties to appeal or otherwise: *Provided further*, That unless otherwise specifically required by law or by judgment, payment of interest wherever appropriated for herein shall not continue for more than thirty days after the date of approval of the Act.

TITLE II

INCREASED PAY COSTS

For additional amounts for appropriations for the fiscal year 1975, for increased pay costs authorized by or pursuant to law, as follows:

LEGISLATIVE BRANCH

SENATE

"Office of the Legislative Counsel of the Senate", $23,550;

CONTINGENT EXPENSES OF THE SENATE

"Senate policy committees", $30,160;
"Inquiries and investigations", $575,625;
"Folding documents", $3,400;
"Miscellaneous", $3,100;

HOUSE OF REPRESENTATIVES

"House leadership offices", $35,755;
"Salaries, officers and employees", $597,930";
"Committee employees", $201,615;
"Committee on Appropriations (investigations)", $94,000;
"Office of the Legislative Counsel", $21,500;
"Members' clerk hire", $2,505,000;

CONTINGENT EXPENSES OF THE HOUSE

"Government contributions", $315,000;
"Special and select committees", $440,170;
"Leadership automobiles", $2,135;

JOINT ITEMS

"Joint Economic Committee", $21,220;
"Joint Committee on Atomic Energy", $12,685;
"Joint Committee on Internal Revenue Taxation", $32,400;
"Joint Committee on Defense Production", $4,820;
"Joint Committee on Congressional Operations", $15,420;
"Capitol Guide Service", $12,010;

OFFICE OF TECHNOLOGY ASSESSMENT

"Salaries and expenses", $41,000;

ARCHITECT OF THE CAPITOL

Office of the Architect of the Capitol: "Salaries", $28,100;
"Capitol buildings", $280,400;
"Capitol grounds", $126,700;
"Senate Office Buildings", $451,200;
"Senate Garage", $16,900;
"House office buildings", $615,500;
"Capitol power plant", $145,400;
"Library buildings and grounds: Structural and mechanical care", $110,000;

BOTANIC GARDEN

"Salaries and expenses", $101,400;

LIBRARY OF CONGRESS

"Salaries and expenses", $1,365,000: *Provided*, That $200,000 of the amount allocated for rental of space under this head, fiscal year 1975, may be used for increased pay costs;
Copyright Office: "Salaries and expenses", $153,000;
Congressional Research Service: "Salaries and expenses", $377,000;
Distribution of catalog cards: "Salaries and expenses", $199,000;

GOVERNMENT PRINTING OFFICE

OFFICE OF SUPERINTENDENT OF DOCUMENTS

"Salaries and expenses", $765,000;

GENERAL ACCOUNTING OFFICE

"Salaries and expenses", $3,613,000;

THE JUDICIARY

SUPREME COURT OF THE UNITED STATES

"Salaries", $155,000;
"Automobile for the Chief Justice", $500;
"Care of the building and grounds", $58,300;

COURTS OF APPEALS, DISTRICT COURTS, AND OTHER JUDICIAL SERVICES

(INCLUDING TRANSFER OF FUNDS)

"Salaries of supporting personnel", $1,982,000, to be derived by transfer from the appropriation "Space and facilities, the Judiciary", fiscal year 1975;
"Representation by court-appointed counsel and operation of defender organizations", $126,000, to be derived by transfer from the appropriation "Space and facilities, the Judiciary", fiscal year 1975;
"Administrative Office of the United States Courts", $180,000, to be derived by transfer from the appropriation "Space and facilities, the Judiciary", fiscal year 1975;
"Expenses of referees", $538,000, to be derived from the Referees' salary and expense fund established pursuant to the Act of June 28, 1946, as amended (11 U.S.C. 68, 102), and, to the extent of any deficiency in said fund, from any moneys in the Treasury not otherwise appropriated;

FEDERAL JUDICIAL CENTER

(TRANSFER OF FUNDS)

"Salaries and expenses", $30,000, to be derived by transfer from the appropriation "Fees of jurors", fiscal year 1975;

EXECUTIVE OFFICE OF THE PRESIDENT

EXECUTIVE RESIDENCE

"Operating expenses", $49,000;

OFFICE OF MANAGEMENT AND BUDGET

"Salaries and expenses", $250,000;

DEPARTMENT OF AGRICULTURE

(INCLUDING TRANSFER OF FUNDS)

"Office of the Secretary", $483,000, of which $78,000 shall be available for the Office of Communication;

"Office of the Inspector General", $470,000, and in addition, $164,000 shall be derived by transfer from the appropriation for "Food stamp program", and merged with this appropriation;

"Office of the General Counsel", $266,000;

"Agricultural Research Service", $7,081,000;

"Animal and Plant Health Inspection Service", $8,806,000;

"Cooperative State Research Service", $61,000;

"Extension Service", for "Federal administration and coordination", $166,000;

"National Agricultural Library", $123,000;

"Statistical Reporting Service", $852,000;

"Economic Research Service", $745,000;

"Commodity Exchange Authority", $155,000;

"Packers and Stockyards Administration", $154,000;

"Farmer Cooperative Service", $84,000;

"Foreign Agricultural Service", $477,000;

Agricultural Stabilization and Conservation Service: "Salaries and expenses", $4,166,000;

Federal Crop Insurance Corporation: "Administrative and operating expenses", $474,000, which may be paid from premium income;

"Rural Development Service", $35,000;

Rural Electrification Administration: "Salaries and expenses", $639,000;

Farmers Home Administration: "Salaries and expenses", $4,123,000;

SOIL CONSERVATION SERVICE

"Conservation operations", $5,891,000, to remain available until expended;

"River basin surveys and investigations", $409,000, to remain available until expended;

"Watershed planning", $339,000, to remain available until expended;

"Watershed and flood prevention operations", $1,884,000, to remain available until expended;

"Great plains conservation program", $196,000, to remain available until expended;

"Resource conservation and development", $452,000, to remain available until expended;

AGRICULTURAL MARKETING SERVICE

"Marketing services", $1,229,000;

"Funds for strengthening markets, income, and supply (section 32)" (increase of $120,000 in the limitation on "marketing agreements and orders");

FOREST SERVICE

"Forest protection and utilization", for "Forest land management", $8,243,000, of which $14,000 for cooperative law enforcement shall remain available until expended; "Forest research", $2,210,000; and "State and private forestry cooperation", $146,000;

"Construction and land acquisition", $429,000, to remain available until expended;

"Youth Conservation Corps", $152,000, to remain available until the end of the fiscal year following the fiscal year for which appropriated: *Provided*, That $76,000 shall be available to the Secretary of the Interior and $76,000 shall be available to the Secretary of Agriculture;

"Forest roads and trails (Liquidation of contract authority)", $3,714,000, to remain available until expended;

"Assistance to States for tree planting", $11,000, to remain available until expended;

DEPARTMENT OF COMMERCE

GENERAL ADMINISTRATION

"Salaries and expenses", $175,000;

SOCIAL AND ECONOMIC STATISTICS ADMINISTRATION

"Salaries and expenses", $1,200,000;

"Periodic censuses and programs", $600,000, to remain available until expended;

REGIONAL ACTION PLANNING COMMISSIONS

"Regional development programs", $20,000, to remain available until expended;

DOMESTIC AND INTERNATIONAL BUSINESS ADMINISTRATION

"Operations and administration", $1,110,000, to remain available until expended;

UNITED STATES TRAVEL SERVICE

"Salaries and expenses", $70,000;

NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION

"Operations, research, and facilities", $8,450,000, to remain available until expended;

"Coastal zone management", $19,000, to remain available until expended;

"Administration of Pribilof Islands", $195,000;

PATENT OFFICE

"Salaries and expenses", $2,000,000;

SCIENCE AND TECHNICAL RESEARCH

"Scientific and technical research and services", $1,600,000, to remain available until expended;

MARITIME ADMINISTRATION

"Operations and training", $850,000, to remain available until expended;

DEPARTMENT OF DEFENSE—MILITARY

MILITARY PERSONNEL

(INCLUDING TRANSFER OF FUNDS)

"Military personnel, Army", $263,493,000; and in addition, $10,100,000, of which $6,200,000 shall be derived by transfer from "Other Procurement, Army, 1975/1977" and $3,900,000 shall be derived by transfer from "Reserve personnel, Army, 1975";

"Military personnel, Navy", $155,750,000; and in addition, $10,100,000, of which $5,900,000 shall be derived by transfer from "Procurement of Aircraft and Missiles, Navy, 1973/1975" and $4,200,000 shall be derived by transfer from "Weapons Procurement, Navy, 1975/1977";

"Military personnel, Marine Corps", $55,660,000; and in addition, $3,200,000, which shall be derived by transfer from "Procurement, Marine Corps, 1975/1977";

"Military personnel, Air Force", $199,831,000; and in addition, $55,500,000, which shall be derived by transfer from "Aircraft Procurement, Air Force, 1975/1977";

"Reserve personnel, Navy", $3,500,000;

"National Guard personnel, Air Force", $700,000;

OPERATION AND MAINTENANCE

(INCLUDING TRANSFER OF FUNDS)

"Operation and maintenance, Army", $233,135,000; and in addition, $23,221,000, of which $9,600,000 shall be derived by transfer from "Procurement of Ammunition, Army, 1975/1977", $6,100,000 shall be derived by transfer from "Procurement of Weapons and Tracked Combat Vehicles, Army, 1975/1977", $4,430,000 shall be derived by transfer from "Research, Development, Test, and Evaluation, Army, 1975/1976", and $3,091,000 shall be derived by transfer from "Missile Procurement, Army, 1975/1977";

"Operation and maintenance, Navy", $153,100,000; and in addition, $6,700,000, which shall be derived by transfer from "Other Procurement, Navy, 1975/1977";

"Operation and maintenance, Marine Corps", $12,600,000; and in addition, $1,600,000, which shall be derived by transfer from "Reserve personnel, Marine Corps, 1975";

"Operation and maintenance, Air Force", $99,420,000; and in addition, $24,780,000, of which $14,480,000 shall be derived by transfer

from "Other Procurement, Air Force, 1975/1977", and $10,300,000 shall be derived by transfer from "Aircraft Procurement, Air Force, 1974/1976";

"Operation and maintenance, Defense Agencies", $50,888,000;

"Operation and maintenance, Army Reserve", $8,293,000;

"Operation and maintenance, Navy Reserve", $2,088,000;

"Operation and maintenance, Marine Corps Reserve", $28,000;

"Operation and maintenance, Air Force Reserve", $7,200,000;

"Operation and maintenance, Army National Guard", $18,728,000;

"Operation and maintenance, Air National Guard", $6,100,000;

"National Board for the Promotion of Rifle Practice, Army", $5,000;

RESEARCH, DEVELOPMENT, TEST, AND EVALUATION

(TRANSFER OF FUNDS)

"Research, development, test, and evaluation, Navy", $17,000,000, which shall be derived by transfer from "Research, development, test, and evaluation, Army, 1975/1976", to remain available for obligation until June 30, 1976;

"Research, development, test, and evaluation, Air Force", $16,493,000, which shall be derived by transfer from "Research, development, test, and evaluation, Army, 1975/1976", to remain available for obligation until June 30, 1976;

FAMILY HOUSING

"Family housing, Defense", $10,194,000 (and an increase of $10,194,000 in the limitation on Department of Defense, operation, maintenance);

DEPARTMENT OF DEFENSE—CIVIL

DEPARTMENT OF THE ARMY

CORPS OF ENGINEERS—CIVIL

"Operation and maintenance, general", $13,000,000;

"General expenses", $1,300,000;

SOLDIERS' AND AIRMEN'S HOME

"Operation and maintenance", $886,000;

THE PANAMA CANAL

CANAL ZONE GOVERNMENT

"Operating expenses", $3,136,000;

PANAMA CANAL COMPANY

"Limitation on general and administrative expenses" (increase of $2,362,000 in the limitation on general and administrative expenses);

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

FOOD AND DRUG ADMINISTRATION

"Salaries and expenses", $4,541,000;

HEALTH SERVICES ADMINISTRATION

"Indian health services", $9,455,000;

CENTER FOR DISEASE CONTROL

"Preventive health services", $2,802,000 which shall be derived by transfer from the appropriation for "Health Resources";

NATIONAL INSTITUTES OF HEALTH

For increased pay costs authorized by or pursuant to law, to be derived by transfer from the appropriation for "Health Resources", as follows:

National Heart and Lung Institute, $500,000;
National Institute of Dental Research, $169,000;
National Institute of Arthritis, Metabolism, and Digestive Diseases, $93,000;
National Institute of Child Health and Human Development, $469,000;
National Institute of Environmental Health Sciences, $222,000;
National Library of Medicine, $400,000;
"Office of the Director", $326,000;

ALCOHOL, DRUG ABUSE, AND MENTAL HEALTH ADMINISTRATION

"Alcohol, Drug Abuse, and Mental Health Administration", $1,547,000 which shall be derived by transfer from the appropriation for "Health Resources";
"Saint Elizabeths Hospital", $2,326,000;

ASSISTANT SECRETARY FOR HEALTH

(INCLUDING TRANSFER OF FUNDS)

"Assistant Secretary for Health", $777,000, and, in addition, $80,000 to be derived by transfer, as authorized by section 201(g)(1) of the Social Security Act, from one or all of the trust funds referred to therein;

42 USC 401.

OFFICE OF EDUCATION

"Indian education", $34,000;
"Salaries and expenses", $2,345,000;

NATIONAL INSTITUTE OF EDUCATION

"National Institute of Education", $357,000;

OFFICE OF THE ASSISTANT SECRETARY FOR EDUCATION

"Salaries and expenses", $56,000;

SOCIAL AND REHABILITATION SERVICE

"Salaries and expenses", $2,003,000;

SOCIAL SECURITY ADMINISTRATION

"Special benefits for disabled coal miners", $807,000;
"Limitation on salaries and expenses" (increase of $42,590,000 in the limitation on salaries and expenses paid from trust funds);

OFFICE OF THE SECRETARY

"Office of Consumer Affairs", $50,000;
"Departmental management", $2,464,000;

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

HOUSING PRODUCTION AND MORTGAGE CREDIT

"Salaries and expenses, Housing production and mortgage credit programs", $440,000;
"Limitation on administrative expenses, Federal Housing Administration" (increase of $427,000 in the limitation on administrative expenses);
"Limitation on administrative expenses, Government National Mortgage Association" (increase of $33,000 in the limitation on administrative expenses);

HOUSING MANAGEMENT

"Salaries and expenses, Housing management programs", $697,000;

COMMUNITY PLANNING AND DEVELOPMENT

"Salaries and expenses, Community planning and development programs", $1,219,000;

POLICY DEVELOPMENT AND RESEARCH

"Salaries and expenses, Policy development and research", $190,000;

FAIR HOUSING AND EQUAL OPPORTUNITY

"Fair housing and equal opportunity", $344,000;

DEPARTMENTAL MANAGEMENT

"General departmental management", $134,000;
"Salaries and expenses, Office of general counsel", $123,000;
"Salaries and expenses, Office of inspector general", $196,000;
"Administration and staff services", $327,000;
"Regional management and services", $671,000;

DEPARTMENT OF THE INTERIOR

BUREAU OF LAND MANAGEMENT

"Management of lands and resources", $2,440,000;

BUREAU OF RECLAMATION

"General administrative expenses", $620,000, which shall be derived from the reclamation fund;

BUREAU OF OUTDOOR RECREATION

"Salaries and expenses", $170,000;
"Land and water conservation": In addition to the amount heretofore made available for administrative expenses of the Bureau of Outdoor Recreation, $180,000 is hereby made available;

UNITED STATES FISH AND WILDLIFE SERVICE

"Resource management", $2,672,000;

NATIONAL PARK SERVICE

"Operation of the National Park System", $10,813,000;
"Preservation of historic properties", $101,000;
"John F. Kennedy Center for the Performing Arts", $80,000;

GEOLOGICAL SURVEY

"Surveys, investigations, and research", $4,846,000;

BUREAU OF MINES

"Mines and minerals", $844,000;

BONNEVILLE POWER ADMINISTRATION

"Bonneville Power Administration Fund": In addition to the amounts transferred to this fund under Public Law 93-454, $4,470,000 shall be made available from current receipts of the Bonneville Power Administration to provide for increased pay costs during fiscal year 1975; 88 Stat. 1376.

BUREAU OF INDIAN AFFAIRS

"Operation of Indian programs", $9,318,000;

OFFICE OF THE SOLICITOR

"Salaries and expenses", $327,000;

OFFICE OF THE SECRETARY

"Salaries and expenses", $385,000;
"Departmental operations", $180,000;

DEPARTMENT OF JUSTICE

LEGAL ACTIVITIES AND GENERAL ADMINISTRATION

"Salaries and expenses, general administration", $529,000;
"Salaries and expenses, general legal activities", $1,743,000;
"Salaries and expenses, Antitrust Division", $536,000;
"Salaries and expenses, "United States attorneys and marshals", $3,672,000;

FEDERAL BUREAU OF INVESTIGATION

"Salaries and expenses", $12,876,000;

IMMIGRATION AND NATURALIZATION SERVICE

"Salaries and expenses", $5,470,000;

FEDERAL PRISON SYSTEM

"Salaries and expenses, Bureau of Prisons", $4,000,000;

DRUG ENFORCEMENT ADMINISTRATION

"Salaries and expenses", $3,123,000;

DEPARTMENT OF LABOR

LABOR-MANAGEMENT SERVICES ADMINISTRATION

"Salaries and expenses", $950,000;

EMPLOYMENT STANDARDS ADMINISTRATION

"Salaries and expenses", $886,000;

BUREAU OF LABOR STATISTICS

"Salaries and expenses", $1,250,000, of which $196,000 shall be available, in addition to the amount heretofore made available, for expenses of revising the Consumer Price Index, including salaries of temporary personnel assigned to this project without regard to competitive civil service requirements;

DEPARTMENTAL MANAGEMENT

"Salaries and expenses", $814,000, of which $27,000 shall be available, in addition to the amount heretofore made available, for the President's Committee on Employment of the Handicapped;

DEPARTMENT OF STATE

ADMINISTRATION OF FOREIGN AFFAIRS

"Salaries and expenses", $6,500,000;

INTERNATIONAL ORGANIZATIONS AND CONFERENCES

"Missions to international organizations", $108,000;

INTERNATIONAL COMMISSIONS

International Boundary and Water Commission, United States and Mexico: "Salaries and expenses", $251,000;
"American sections, international commissions", $29,000;
"International fisheries commissions", $30,000;

EDUCATIONAL EXCHANGE

"Mutual educational and cultural exchange activities", $300,000;

OTHER

"Migration and refugee assistance", $23,000;

DEPARTMENT OF TRANSPORTATION

OFFICE OF THE SECRETARY

"Salaries and expenses", $400,000;

COAST GUARD

"Operating expenses", $17,620,000;
"Reserve training", $927,000;

FEDERAL AVIATION ADMINISTRATION

"Operations", $44,000,000;
"Operation and maintenance, National Capital Airports", $870,000;

FEDERAL HIGHWAY ADMINISTRATION

"Limitation on general operating expenses" (increase of $2,000,000 in the limitation on general operating expenses);
"Motor carrier safety", $172,000;
"Highway beautification", $34,000;

NATIONAL HIGHWAY TRAFFIC SAFETY ADMINISTRATION

(TRANSFER OF FUNDS)

"Traffic and highway safety", $18,375, to be derived by transfer from the appropriation "Construction of compliance facilities", fiscal year 1974;

FEDERAL RAILROAD ADMINISTRATION

"Office of the Administrator, salaries and expenses", $115,000;
"Railroad Safety", $280,000;

URBAN MASS TRANSPORTATION ADMINISTRATION

Urban Mass Transportation Fund: "Administrative expenses", $170,000;

DEPARTMENT OF THE TREASURY

OFFICE OF THE SECRETARY

"Salaries and expenses", $500,000;

FEDERAL LAW ENFORCEMENT TRAINING CENTER

"Salaries and expenses", $75,000;

BUREAU OF ACCOUNTS

"Salaries and expenses", $1,100,000;

BUREAU OF ALCOHOL, TOBACCO, AND FIREARMS

"Salaries and expenses", $2,400,000;

UNITED STATES CUSTOMS SERVICE

"Salaries and expenses", $7,600,000;

BUREAU OF THE MINT

"Salaries and expenses", $2,600,000;

BUREAU OF THE PUBLIC DEBT

"Administering the public debt", $1,000,000;

INTERNAL REVENUE SERVICE

"Salaries and expenses", $1,500,000;
"Accounts, collection and taxpayer service", $20,000,000;
"Compliance", $18,000,000;

UNITED STATES SECRET SERVICE

"Salaries and expenses", $3,500,000;

ENERGY RESEARCH AND DEVELOPMENT ADMINISTRATION

"Operating expenses", $5,681,000, to remain available until expended;

ENVIRONMENTAL PROTECTION AGENCY

"Agency and regional management", $1,200,000;
"Abatement and control", $2,600,000, to remain available until expended;
"Enforcement", $1,100,000;

GENERAL SERVICES ADMINISTRATION

FEDERAL BUILDINGS FUND

"Limitations on availability of revenue": In addition to the aggregate amount heretofore made available for real property management and related activities in fiscal year 1975, $6,040,000 shall be available for such purposes and the limitation on the amount made available for real property operations is increased to $355,477,000 and the limitation on the amount made available for program direction and centralized services is increased to $55,600,000.

FEDERAL SUPPLY SERVICE

"Operating expenses", $490,000;

NATIONAL ARCHIVES AND RECORD SERVICE

"Operating expenses", $764,000;

AUTOMATED DATA AND TELECOMMUNICATIONS SERVICE

"Operating expenses", $102,000;

OFFICE OF THE ADMINISTRATOR

(TRANSFER OF FUNDS)

"Indian tribal claims", $26,000, to be derived by transfer from the appropriation for "Disposal of surplus real and related personal property, operating expenses", fiscal year 1975;

FEDERAL MANAGEMENT POLICY

(TRANSFER OF FUNDS)

"Salaries and expenses", $18,000, to be derived by transfer from the appropriation for "Disposal of surplus real and related personal property, operating expenses";

ADMINISTRATIVE AND STAFF SUPPORT SERVICES

"Salaries and expenses", $144,000;

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

"Research and program management", $19,975,000;

VETERANS ADMINISTRATION

"Medical care", $93,637,000;
"Medical and prosthetic research", $2,377,000, to remain available until expended;
"General operating expenses", $11,528,000;
"Construction, minor projects", $392,000, to remain available until expended;

OTHER INDEPENDENT AGENCIES

ACTION

"Operating expenses, international programs (Peace Corps)", $687,000;

AMERICAN BATTLE MONUMENTS COMMISSION

"Salaries and expenses", $267,000;

ARMS CONTROL AND DISARMAMENT AGENCY

"Arms control and disarmament activities", $160,000;

CIVIL AERONAUTICS BOARD

"Salaries and expenses", $460,000;

CIVIL SERVICE COMMISSION

(INCLUDING TRANSFER OF FUNDS)

"Salaries and expenses", $2,750,000; together with an additional amount of $424,000 for current fiscal year administrative expenses for the retirement and insurance programs to be transferred from the appropriate trust funds of the Commission in amounts determined by the Commission without regard to other statutes;

FEDERAL LABOR RELATIONS COUNCIL

"Salaries and expenses", $32,000;

COMMISSION ON FINE ARTS

"Salaries and expenses", $5,000;

COMMISSION ON CIVIL RIGHTS

"Salaries and expenses", $150,000;

EQUAL EMPLOYMENT OPPORTUNITY COMMISSION

"Salaries and expenses", $1,485,000;

FEDERAL ENERGY ADMINISTRATION

"Salaries and expenses", $2,200,000;

FEDERAL HOME LOAN BANK BOARD

"Limitation on administrative and nonadministrative expenses, Federal Home Loan Bank Board" (increase of $277,000 in the limitation on administrative expenses and increase of $200,000 in the limitation on nonadministrative expenses);

FEDERAL MEDIATION AND CONCILIATION SERVICE

"Salaries and expenses", $424,000;

FEDERAL MARITIME COMMISSION

"Salaries and expenses", $100,000;

FEDERAL POWER COMMISSION

"Salaries and expenses", $997,000;

FEDERAL TRADE COMMISSION

"Salaries and expenses", $1,085,000;

FOREIGN CLAIMS SETTLEMENT COMMISSION

"Salaries and expenses", $20,000;

ADVISORY COMMISSION ON INTERGOVERNMENTAL RELATIONS

"Salaries and expenses", $22,000;

APPALACHIAN REGIONAL COMMISSION

"Salaries and expenses", $7,000;

INTERSTATE COMMERCE COMMISSION

"Salaries and expenses", $1,300,000;

NATIONAL FOUNDATION ON THE ARTS AND THE HUMANITIES

"Salaries and expenses", $283,000;

NATIONAL LABOR RELATIONS BOARD

"Salaries and expenses", $1,689,000;

NATIONAL MEDIATION BOARD

"Salaries and expenses", $50,000;

NATIONAL SCIENCE FOUNDATION

"Salaries and expenses" (increase of $917,000 in the limitation on program development and management);

NATIONAL TRANSPORTATION SAFETY BOARD

"Salaries and expenses", $190,000;

NUCLEAR REGULATORY COMMISSION

"Salaries and expenses", $1,540,000, to remain available until expended;

RAILROAD RETIREMENT BOARD

"Limitation on salaries and expenses" (increase in the limitation on salaries and expenses of $705,000, to be derived from the railroad retirement accounts);

RENEGOTIATION BOARD

"Salaries and expenses", $135,000;

SECURITIES AND EXCHANGE COMMISSION

"Salaries and expenses", $1,350,000;

SMALL BUSINESS ADMINISTRATION

(TRANSFER OF FUNDS)

"Salaries and expenses": In addition to the amounts heretofore authorized for transfer from the "Disaster loan fund", the "Business loan and investment fund", and the "Lease and surety bond guarantees revolving fund", $800,000 may be transferred to this appropriation;

SMITHSONIAN INSTITUTION

"Salaries and expenses", $2,527,000;
"Science information exchange", $50,000;
"Salaries and expenses, National Gallery of Art", $302,000;

UNITED STATES INFORMATION AGENCY

"Salaries and expenses", $3,800,000;
"Special international exhibitions", $20,000, to remain available until expended;

DISTRICT OF COLUMBIA

(Out of District of Columbia Funds)

"General operating expenses", $1,383,500, of which $21,500 shall be payable from the highway fund (including $5,300 from the motor vehicle parking account), $3,600 from the water fund, and $1,400 from the sanitary sewage works fund;

"Public safety", $20,246,900, of which $979,200 shall be payable from the highway fund;

"Education", $11,919,000;

"Recreation", $496,700;

"Human resources", $3,980,800;

"Highways and traffic", $801,400, of which $609,900 shall be payable from the highway fund (including $14,700 from the motor vehicle parking account);

"Environmental services", $3,577,000, of which $851,700 shall be payable from the water fund, $1,176,600 from the sanitary sewage work fund, and $30,500 from the metropolitan area sanitary sewage works fund.

DIVISION OF EXPENSES

The sums appropriated herein for the District of Columbia shall be paid out of the general fund of the District of Columbia, except as otherwise specifically provided.

ANNEXED BUDGETS

Export-Import Bank of the United States

"Limitation on administrative expenses" (Increase of $300,000 in the limitation on administrative expenses).

TITLE III

GENERAL PROVISIONS

Fiscal year limitation.

Sec. 301. No part of any appropriation contained in this Act shall remain available for obligation beyond the current fiscal year unless expressly so provided herein.

Sec. 302. Except where specifically increased or decreased elsewhere in this Act, the restrictions contained within appropriations, or provisions affecting appropriations or other funds, available during the fiscal year 1975, limiting the amounts which may be expended for personal services, or for purposes involving personal services, or amounts which may be transferred between appropriations or authorizations available for or involving such services, are hereby increased to the extent necessary to meet increased pay costs authorized by or pursuant to law.

GSA, space and services.

Sec. 303. No part of any appropriation, funds, or other authority contained in this Act shall be available for paying to the Administrator of the General Services Administration in excess of 90 per centum of the standard level user charge established pursuant to section 210(j) of the Federal Property and Administrative Services Act of 1949, as amended, for space and services.

40 USC 490.
Busing.

Sec. 304. No part of the funds contained in this Act may be used to force any school or school district which is desegregated as that term is defined in title IV of the Civil Rights Act of 1964, Public

42 USC 2000c.

Law 88-352, to take any action to force the busing of students; to force on account of race, creed, or color the abolishment of any school so desegregated; or to force the transfer or assignment of any student attending any elementary or secondary school so desegregated to or from a particular school over the protest of his or her parents or parent.

Busing.

SEC. 305. (a) No part of the funds contained in this Act shall be used to force any school or school district which is desegregated as that term is defined in title IV of the Civil Rights Act of 1964, Public

42 USC 2000c.

Law 88-352, to take any action to force the busing of students; to require the abolishment of any school so desegregated; or to force on account of race, creed, or color the transfer of students to or from a particular school so desegregated as a condition precedent to obtaining Federal funds otherwise available to any State, school district, or school.

School transportation funds.

(b) No funds appropriated in this Act may be used for the transportation of students or teachers (or for the purchase of equipment for such transportation) in order to overcome racial imbalance in any school or school system, or for the transportation of students or teachers (or for the purchase of equipment for such transportation) in order to carry out a plan of racial desegregation of any school or school system.

U.S. Postal Service, reimbursement.

SEC. 306. Unobligated balances of operation and maintenance appropriations available to the Department of Defense—Military, in an amount not to exceed $18,950,000 in fiscal year 1973 and $23,891,000 in fiscal year 1974, shall be available to reimburse the United States Postal Service for service rendered to the Department of Defense during those fiscal years.

Approved June 12, 1975.

LEGISLATIVE HISTORY:

HOUSE REPORTS: No. 94-141 (Comm. on Appropriations) and No. 94—239 (Comm. of Conference).
SENATE REPORT No. 94-137 (Comm. on Appropriations).
CONGRESSIONAL RECORD, Vol. 121 (1975):
Apr. 15, May 22, June 2, 9, considered and passed House.
May 20, 22, June 4, 11, considered and passed Senate.

Public Law 94–33
94th Congress

Joint Resolution

To honor America.

June 13, 1975
[S.J. Res. 92]

Honor America period.
Declaration.
36 USC 157b.

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That Congress declares the twenty-one days from Flag Day through Independence Day as a period to honor America, and further declares that there be public gatherings and activities at which the people of the United States can celebrate and honor their country in an appropriate manner.

Approved June 13, 1975

LEGISLATIVE HISTORY:

CONGRESSIONAL RECORD, Vol. 121 (1975):
June 9, considered and passed Senate and House.

Public Law 94–34
94th Congress

An Act

June 13, 1975
[H.R. 5158]

To provide an authorization for an ex gratia payment to the people of Bikini Atoll, in the Marshall Islands of the Trust Territory of the Pacific Islands.

Bikini Atoll, Trust Territory of the Pacific Islands. Appropriation authorization.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That there is authorized to be appropriated to the Secretary of the Interior in recognition of the hardship suffered by the people of Bikini due to displacement from their atoll since 1946 the sum of $3,000,000, ex gratia. Such sum shall be paid to a trustee selected by the Kili/Bikini Council subject only to disapproval by the High Commissioner of the Trust Territory of the Pacific Islands to be held in trust pursuant to the provisions of a trust agreement or amendment thereto agreed to by the Kili/Bikini Council subject only to disapproval by the High Commissioner of the Trust Territory of the Pacific Islands for the use and benefit of and distribution to persons who possess rights in Bikini Atoll. Provision may be made in the trust instrument for disbursement of trust income and corpus by the trustee directly to the Kili/Bikini Council for distribution, according to custom and tradition, to persons who possess rights in Bikini Atoll. The Governments of the United States and Trust Territory of the Pacific Islands shall not be liable in any cause of action in law or equity arising from the administration or distribution of the trust funds.

Approved June 13, 1975.

LEGISLATIVE HISTORY:

HOUSE REPORT No. 94–187 (Comm. on Interior and Insular Affairs).
SENATE REPORT No. 94–165 (Comm. on Interior and Insular Affairs.).
CONGRESSIONAL RECORD, Vol. 121 (1975):
May 5, considered and passed House.
June 4, considered and passed Senate.

Public Law 94-35
94th Congress

An Act

To extend and amend the Emergency Livestock Credit Act of 1974, and for other purposes.

June 16, 1975
[S. 1236]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Emergency Livestock Credit Act of 1974 (88 Stat. 391) is amended as follows:

Emergency Livestock Credit Act of 1974, amendment.
7 USC prec. 1961 note.

(a) Section 2 is amended—

(1) By striking "for the purpose of" in the first sentence of subsection (a) and inserting in lieu thereof the following: "and who have substantial operations in".

(2) By striking the period at the end of subsection (a) and inserting in lieu thereof the following: "including dairy cattle raised and maintained for the primary purpose of marketing dairy products.".

(3) By striking everything following the word "*Provided*," in subsection (b) and inserting in lieu thereof the following: "That the term 'legally organized lending agency' shall be deemed to include the Federal Financing Bank only to the extent that such Bank may hold the guaranteed portion of such loans.".

"Legally organized lending agency."

(4) By striking all of subsection (c) after the word "Secretary" and inserting the following in lieu thereof: "to guarantee more than 90 per centum of the principal and interest on such loan.".

(5) By changing subsection (f) to read as follows:

Loans, term and renewal.

"(f) Loans guaranteed under this Act shall be for the period reasonably required by the needs of the borrower, taking into consideration the security the borrower has available, but not exceeding an original term of seven years. Loans may be renewed for not more than three additional years.".

(b) Section 3 is amended by striking all of paragraph (3) of subsection (a) after the words "*Provided*, That" and inserting in lieu thereof the following: "the total principal balance outstanding at any one time on loans guaranteed under this Act for any borrower shall not exceed $350,000;".

(c) Section 4 is amended to read as follows:

"SEC. 4. Loans guaranteed under this Act shall be secured by collateral adequate to protect the Government's interests, as determined by the Secretary: *Provided*, That the Secretary may accept collateral which has depreciated in value owing to temporary economic conditions and which, in the opinion of the lender, together with his confidence in the repayment ability of the borrower, is adequate security for the loan.".

Collateral.

(d) Section 5 is amended by striking "$2,000,000,000" and inserting in lieu thereof "$1,500,000,000", and by adding at the end thereof the following new sentences: "Such fund may also be utilized to pay administrative expenses of the Secretary necessary to carry out the provisions of this Act. The Secretary in his discretion is authorized to use the funds from the Agricultural Credit Insurance Fund to purchase, on such terms and conditions as he may deem appropriate, the guaranteed portion of any loan made pursuant to this Act and to pay such expenses and fees incident to such purchases.".

Guarantee authority, extension.

(e) Section 8 is amended to read as follows:

"SEC. 8. The provisions of this Act shall become effective upon enactment, and the authority to make new guarantees shall terminate on December 31, 1976.".

7 USC prec. 1961 note.

(f) Section 10 is amended by adding at the end thereof the following new sentence: "Insofar as practicable, the Secretary shall complete action on each loan application within thirty days after its receipt.".

Report to congressional committees.

(g) The Act is amended by adding at the end thereof the following new section 11:

"SEC. 11. The Secretary shall report to the Committee on Agriculture, United States House of Representatives, and the Committee on Agriculture and Forestry, United States Senate, on or within one year of the date of the enactment of this section, and annually thereafter, with respect to the effectiveness of this Act. The Secretary shall be required, but not limited, to include in such report the number of loan applications submitted, the number and amount of loans approved, the financial situation facing cattlemen at the time of the report, the effect of this Act on the retail marketing of beef and on the farm-retail price spread of beef, and any recommendations he may have as to actions which can be taken to further decrease the price spread and to increase the consumption of beef.".

Contents.

7 USC 1992.

SEC. 2. Section 344 of the Consolidated Farm and Rural Development Act (86 Stat. 667) is amended by changing the last sentence thereof to read as follows: "No contract guaranteeing any such loan by such other lender shall require the Secretary to guarantee more than 90 per centum of the principal and interest on such loan.".

Approved June 16, 1975.

LEGISLATIVE HISTORY:

HOUSE REPORTS: No. 94–125 (Comm. on Agriculture) and No. 94–244 (Comm. of Conference).

SENATE REPORTS: No. 94–43 (Comm. on Agriculture and Forestry) and No. 94–151 (Comm. of Conference).

CONGRESSIONAL RECORD, Vol. 121 (1975):

Mar. 20, considered and passed Senate.

May 6, considered and passed House, amended.

May 22, Senate agreed to conference report.

June 3, House agreed to conference report.

WEEKLY COMPILATION OF PRESIDENTIAL DOCUMENTS, Vol. 11, No. 25:

June 16, Presidential statement.

Public Law 94–36
94th Congress

Joint Resolution

Making urgent supplemental appropriations for summer youth employment and recreation for the fiscal year ending June 30, 1975, and for other purposes.

June 16, 1975
[H.J. Res. 492]

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the following sums are appropriated, out of any money in the Treasury not otherwise appropriated, for emergency employment for the fiscal year ending June 30, 1975, and for other purposes, namely:

Summer youth employment and recreation.

Supplemental appropriations.

DEPARTMENT OF LABOR

MANPOWER ADMINISTRATION

COMPREHENSIVE MANPOWER ASSISTANCE

For an additional amount for "Comprehensive manpower assistance", $473,350,000, to remain available until September 30, 1975, of which $15,300,000 shall be transferred to the Community Services Administration for carrying out activities authorized by section 222 (a) (13) of the Economic Opportunity Act of 1964, as amended (42 U.S.C. 2701 et seq.).

42 USC 2809.

Approved June 16, 1975.

LEGISLATIVE HISTORY:

HOUSE REPORT No. 94–269 (Comm. on Appropriations).
CONGRESSIONAL RECORD, Vol. 121 (1975):
June 10, considered and passed House.
June 12, considered and passed Senate.
WEEKLY COMPILATION OF PRESIDENTIAL DOCUMENTS, Vol. 11, No. 25:
June 16, Presidential statement.

Public Law 94–37
94th Congress

An Act

June 19, 1975
[S. 818]

To authorize United States payments to the United Nations for expenses of the United Nations peacekeeping forces in the Middle East, and for other purposes.

United Nations. Payments for peacekeeping forces. Appropriation authorization. 59 Stat. 1039.

22 USC 287e note.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That there is hereby authorized to be appropriated to the Department of State such sums as may be necessary from time to time for payment by the United States of its share of the expenses of the United Nations peacekeeping forces in the Middle East, as apportioned by the United Nations in accordance with article 17 of the United Nations Charter, notwithstanding the limitation on contributions to international organizations contained in Public Law 92–544 (86 Stat. 1109, 1110).

Approved June 19, 1975.

LEGISLATIVE HISTORY:

HOUSE REPORT No. 94–200 (Comm. on International Relations).
SENATE REPORT No. 94–93 (Comm. on Foreign Relations).
CONGRESSIONAL RECORD, Vol. 121 (1975):
Apr. 28, considered and passed House.
June 9, considered and passed Senate.

Public Law 94–38
94th Congress

An Act

To authorize appropriations for the saline water conversion program for fiscal year 1976.

June 19, 1975
[H.R. 3109]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That there is authorized to be appropriated, to carry out the provisions of the Saline Water Conversion Act of 1971 (85 Stat. 159) during fiscal year 1976, the sum of $4,100,000 to remain available until expended.

Saline water conversion program.
Appropriation authorization.
42 USC 1959 note.

Approved June 19, 1975.

LEGISLATIVE HISTORY:

HOUSE REPORT No. 94–103 (Comm. on Interior and Insular Affairs).
SENATE REPORT No. 94–154 (Comm. on Interior and Insular Affairs).
CONGRESSIONAL RECORD, Vol. 121 (1975):
Apr. 8, considered and passed House.
June 5, considered and passed Senate, amended.
June 9, House concurred in Senate amendment.

Public Law 94-39
94th Congress

An Act

June 19, 1975
[H.R. 4700]

To authorize appropriations to the National Aeronautics and Space Administration for research and development, construction of facilities, and research and program management, and for other purposes.

National Aeronautics and Space Administration Authorization Act, 1976.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That there is hereby authorized to be appropriated to the National Aeronautics and Space Administration:

Research and development.

(a) For "Research and development," for the following programs:
(1) Space Shuttle, $1,206,000,000;
(2) Space flight operations, $203,100,000;
(3) Advanced missions, $2,000,000;
(4) Physics and astronomy, $162,800,000;
(5) Lunar and planetary exploration, $259,900,000;
(6) Launch vehicle procurement, $166,900,000;
(7) Space applications, $181,530,000;
(8) Aeronautical research and technology, $175,350,000;
(9) Space and nuclear research and technology, $74,900,000;
(10) Energy technology applications, $5,900,000;
(11) Tracking and data acquisition, $240,800,000;
(12) Technology utilization, $8,000,000;

Construction of facilities.

(b) For "Construction of facilities," including land acquisition, as follows:
(1) Modification of 11- by 11-foot transonic wind tunnel, Ames Research Center, $2,695,000.
(2) Addition for composite model and metal finishing shops, Langley Research Center, $1,940,000;
(3) Space shuttle facilities at various locations as follows:
(A) Modifications to launch complex 39, John F. Kennedy Space Center, $13,110,000;
(B) Construction of Orbiter processing facility, John F. Kennedy Space Center, $8,160,000;
(C) Modifications for solid rocket booster processing facilities, John F. Kennedy Space Center, $5,240,000;
(D) Modifications for hypergolic checkout and refurbishment facilities, John F. Kennedy Space Center, $6,940,000;
(E) Modifications for launch equipment test facilities, John F. Kennedy Space Center, $1,960,000;
(F) Construction of Orbiter approach and landing test facilities, Flight Research Center, and Air Force Plant #42, Palmdale, California, $1,680,000;
(G) Construction of Shuttle/Carrier aircraft mating facilities, Flight Research Center, and Air Force Plant #42, Palmdale, California, $3,890,000;
(H) Modifications for crew training facilities, Lyndon B. Johnson Space Center, $830,000;
(I) Modification of the vibration and acoustic test facility, Lyndon B. Johnson Space Center, $2,410,000;
(J) Modifications for solid rocket booster component manufacturing and assembly facilities (location to be designated), $3,000,000;

(4) Modification of 40-by-80 foot subsonic wind tunnel, Ames Research Center, $12,500,000;

(5) Rehabilitation and modification of facilities at various locations, not in excess of $500,000 per project, $16,000,000;

(6) Minor construction of new facilities and additions to existing facilities at various locations, not in excess of $250,000 per project, $5,000,000;

(7) Facility planning and design not otherwise provided for, $13,775,000.

Research and program management.

(c) For "Research and program management," $776,000,000, and such additional or supplemental amounts as may be necessary for increases in salary, pay, retirement, or other employee benefits authorized by law.

Program specifications.

(d) Notwithstanding the provisions of subsection 1(g), appropriations for "Research and development" may be used (1) for any items of a capital nature (other than acquisition of land) which may be required at locations other than installations of the Administration for the performance of research and development contracts, and (2) for grants to nonprofit institutions of higher education, or to nonprofit organizations whose primary purpose is the conduct of scientific research, for purchase or construction of additional research facilities; and title to such facilities shall be vested in the United States unless the Administrator determines that the national program of aeronautical and space activities will best be served by vesting title in any such grantee institution or organization. Each such grant shall be made under such conditions as the Administrator shall determine to be required to insure that the United States will receive therefrom benefit adequate to justify the making of that grant. None of the funds appropriated for "Research and development" pursuant to this Act may be used in accordance with this subsection for the construction of any major facility, the estimated cost of which, including collateral equipment, exceeds $250,000, unless the Administrator or his designee has notified the Speaker of the House of Representatives and the President of the Senate and the Committee on Science and Technology of the House of Representatives and the Committee on Aeronautical and Space Sciences of the Senate of the nature, location, and estimated cost of such facility.

Notice to Speaker of the House, President of the Senate, and congressional committees.

(e) When so specified in an appropriation Act, (1) any amount appropriated for "Research and development" or for "Construction of facilities" may remain available without fiscal year limitation, and (2) maintenance and operation of facilities, and support services contracts may be entered into under the "Research and program management" appropriation for periods not in excess of twelve months beginning at any time during the fiscal year.

(f) Appropriations made pursuant to subsection 1(c) may be used, but not to exceed $35,000, for scientific consultations of extraordinary expenses upon the approval or authority of the Administrator and his determination shall be final and conclusive upon the accounting officers of the Government.

Limitations.

(g) Of the funds appropriated pursuant to subsections 1(a) and 1(c), not in excess of $25,000 for each project, including collateral equipment, may be used for construction of new facilities and additions to existing facilities, and not in excess of $50,000 for each project, including collateral equipment, may be used for rehabilitation or modification of facilities: *Provided*, That of the funds appropriated pursuant to subsection 1(a), not in excess of $250,000 for each project, including collateral equipment, may be used for any of the foregoing for unforeseen programmatic needs.

Construction cost variations.

SEC. 2. Authorization is hereby granted whereby any of the amounts prescribed in paragraphs (1) through (6), inclusive, of subsection 1(b)—

(1) in the discretion of the Administrator or his designee, may be varied upward 10 per centum, or

Report to congressional committees.

(2) following a report by the Administrator or his designee to the Committee on Science and Technology of the House of Representatives and the Committee on Aeronautical and Space Sciences of the Senate on the circumstances of such action, may be varied upward 25 per centum,

to meet unusual cost variations, but the total cost of all work authorized under such paragraphs shall not exceed the total of the amounts specified in such paragraphs.

Transfer of funds.

SEC. 3. Not to exceed one-half of 1 per centum of the funds appropriated pursuant to subsection 1(a) hereof may be transferred to the "Construction of facilities" appropriation, and, when so transferred, together with $10,000,000 of the funds appropriated pursuant to subsection 1(b) hereof (other than funds appropriated pursuant to paragraph (7) of such subsection) shall be available for expenditure to construct, expand, or modify laboratories and other installations at any location (including locations specified in subsection 1(b)), if (1) the Administrator determines such action to be necessary because of changes in the national program of aeronautical and space activities or new scientific or engineering developments, and (2) he determines that deferral of such action until the enactment of the next Authorization Act would be inconsistent with the interest of the Nation in aeronautical and space activities. The funds so made available may be expended to acquire, construct, convert, rehabilitate, or install permanent or temporary public works, including land acquisition, site preparation, appurtenances, utilities, and equipment. No portion of such sums may be obligated for expenditure or expended to construct, expand, or modify laboratories and other installations unless (A) a period of thirty days has passed after the Administrator or his designee has transmitted to the Speaker of the House of Representatives and to the President of the Senate and to the Committee on Science and Technology of the House of Representatives and to the Committee on Aeronautical and Space Sciences of the Senate a written report containing a full and complete statement concerning (1) the nature of such construction, expansion, or modification, (2) the cost thereof including the cost of any real estate action pertaining thereto, and (3) the reason why such construction, expansion, or modification is necessary in the national interest, or (B) each such committee before the expiration of such period has transmitted to the Administrator written notice to the effect that such committee has no objection to the proposed action.

Report to Speaker of the House, President of the Senate, and congressional committees.

Use of funds, restriction.

SEC. 4. Notwithstanding any other provision of this Act—

(1) no amount appropriated pursuant to this Act may be used for any program deleted by the Congress from requests as originally made to either the House Committee on Science and Technology or the Senate Committee on Aeronautical and Space Sciences,

(2) no amounts appropriated pursuant to this Act may be used for any program in excess of the amount actually authorized for that particular program by sections 1(a) and 1(c), and

(3) no amount appropriated pursuant to this Act may be used for any program which has not been presented to or requested of either such committee.

unless (A) a period of thirty days has passed after the receipt by the Speaker of the House of Representatives and the President of the Senate and each such committee of notice given by the Administrator or his designee containing a full and complete statement of the action proposed to be taken and the facts and circumstances relied upon in support of such proposed action, or (B) each such committee before the expiration of such period has transmitted to the Administrator written notice to the effect that such committee has no objection to the proposed action.

Notice to Speaker of the House and President of the Senate.

SEC. 5. It is the sense of the Congress that it is in the national interest that consideration be given to geographical distribution of Federal research funds whenever feasible, and that the National Aeronautics and Space Administration should explore ways and means of distributing its research and development funds whenever feasible.

Research funds, geograpical distribution.
42 USC 2459 note.

SEC. 6. The National Aeronautics and Space Administration is authorized, when so provided in an appropriation Act, to enter into a contract for tracking and data relay satellite services. Such services shall be furnished to the National Aeronautics and Space Administration in accordance with applicable authorization and appropriation Acts. The Government shall incur no costs under such contract prior to the furnishing of such services except that the contract may provide for the payment for contingent liability of the Government which may accrue in the event the Government should decide for its convenience to terminate the contract before the end of the period of the contract. Facilities which may be required in the performance of the contract may be constructed on Government-owned lands if there is included in the contract a provision under which the Government may acquire title to the facilities, under terms and conditions agreed upon in the contract, upon termination of the contract.

Satellite services, contract authorization.
42 USC 2463.

The Administrator shall in January of each year report to the Committee on Science and Technology and the Committee on Appropriations of the House of Representatives and the Committee on Aeronautical and Space Sciences and the Committee on Appropriations of the Senate the projected aggregate contingent liability of the Government under termination provisions of any contract authorized in this section through the next fiscal year. The authority of the National Aeronautics and Space Administration to enter into and to maintain the contract authorized hereunder shall remain in effect as long as provision therefor is included in Acts authorizing appropriations to the National Aeronautics and Space Administration for subsequent fiscal years.

Report to congressional committees.

SEC. 7. In addition to the amounts authorized to be appropriated under section 1 of this Act, there is hereby authorized to be appropriated to the National Aeronautics and Space Administration, to be available no earlier than July 1, 1976:

Additional authorizations.

(a) For "Research and development," for the programs specified in the following paragraphs, $700,600,000, of which no more shall be available for any such program than the amount stipulated (for that program) in the applicable paragraph:

Research and development.

(1) Space Shuttle, $321,000,000;
(2) Space flight operations, $55,100,000;
(3) Advanced missions, $500,000;
(4) Physics and astronomy, $46,600,000;
(5) Lunar and planetary exploration, $73,300,000;
(6) Launch vehicle procurement, $40,400,000;
(7) Space applications, $54,700,000;
(8) Aeronautical research and technology, $46,800,000;
(9) Space and nuclear research and technology, $22,300,000;

(10) Energy technology applications, $1,500,000;
(11) Tracking and data acquisition, $66,400,000;
(12) Technology utilization, $2,000,000.

Construction of facilities.

(b) For "Construction of facilities," including land acquisition, as follows:

(1) Rehabilitation and modification of facilities at various locations, not in excess of $500,000 per project, $7,000,000;

(2) Minor construction of new facilities and additions to existing facilities at various locations, not in excess of $250,000 per project, $1,250,000;

(3) Facility planning and design not otherwise provided for, $2,500,000.

Research and program management.

(c) For "Research and program management," $213,800,000, and such additional or supplemental amounts as may be necessary for increases in salary, pay, retirement, or other employee benefits authorized by law.

All of the limitations and other provisions of this Act which are applicable to amounts appropriated pursuant to subsections (a), (b), and (c) of section 1 of this Act shall apply in the same manner to amounts appropriated pursuant to subsections (a), (b), and (c), respectively, of this section.

42 USC 2451 note.

SEC. 8. The National Aeronautics and Space Act of 1958, as amended, is amended by adding at the end thereof the following new title:

"TITLE IV—UPPER ATMOSPHERIC RESEARCH

"PURPOSE AND POLICY

42 USC 2481.

"SEC. 401. (a) The purpose of this title is to authorize and direct the Administration to develop and carry out a comprehensive program of research, technology, and monitoring of the phenomena of the upper atmosphere so as to provide for an understanding of and to maintain the chemical and physical integrity of the Earth's upper atmosphere.

"(b) The Congress declares that it is the policy of the United States to undertake an immediate and appropriate research, technology, and monitoring program that will provide for understanding the physics and chemistry of the Earth's upper atmosphere.

"DEFINITIONS

42 USC 2482.

"SEC. 402. For the purpose of this title the term 'upper atmosphere' means that portion of the Earth's sensible atmosphere above the troposphere.

"PROGRAM AUTHORIZED

42 USC 2483.

"SEC. 403. (a) In order to carry out the purposes of this title the Administration in cooperation with other Federal agencies, shall initiate and carry out a program of research, technology, monitoring, and other appropriate activities directed to understand the physics and chemistry of the upper atmosphere.

"(b) In carrying out the provisions of this title the Administration shall—

"(1) arrange for participation by the scientific and engineering community, of both the Nation's industrial organizations and

institutions of higher education, in planning and carrying out appropriate research, in developing necessary technology and in making necessary observations and measurements;

"(2) provide, by way of grant, contract, scholarships or other arrangements, to the maximum extent practicable and consistent with other laws, for the widest practicable and appropriate participation of the scientific and engineering community in the program authorized by this title; and

"(3) make all results of the program authorized by this title available to the appropriate regulatory agencies and provide for the widest practicable dissemination of such results.

"INTERNATIONAL COOPERATION

"SEC. 404. In carrying out the provisions of this title, the Administration, subject to the direction of the President and after consultation with the Secretary of State, shall make every effort to enlist the support and cooperation of appropriate scientists and engineers of other countries and international organizations.". 42 USC 2484.

SEC. 9. This Act may be cited as the "National Aeronautics and Space Administration Authorization Act, 1976". Short title.

Approved June 19, 1975.

LEGISLATIVE HISTORY:

HOUSE REPORTS: No. 94-63 (Comm. on Science and Technology) and No. 94-259 (Comm. of Conference).

SENATE REPORT No. 94-103 (Comm. on Aeronautical and Space Sciences).

CONGRESSIONAL RECORD, Vol. 121 (1975):

Apr. 9, considered and passed House.

May 12, considered and passed Senate, amended.

June 9, House agreed to conference report.

June 10, Senate agreed to conference report.

Public Law 94–40
94th Congress

An Act

June 20, 1975
[S. 441]

To amend the Forest Pest Control Act of June 25, 1947.

Forest Pest Control Act, amendment.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the first sentence of section 5 of the Forest Pest Control Act of June 25, 1947 (61 Stat. 177; 16 U.S.C. 594–1 through 594–5), is amended by changing the period at the end thereof to a comma and adding the following: "such sums appropriated for fiscal year 1975 and thereafter to remain available until expended.".

Approved June 20, 1975.

LEGISLATIVE HISTORY:

HOUSE REPORT No. 94–212 (Comm. on Agriculture).
SENATE REPORT No. 94–16 (Comm. on Agriculture and Forestry).
CONGRESSIONAL RECORD, Vol. 121 (1975):
Feb. 21, considered and passed Senate.
June 3, considered and passed House, amended.
June 10, Senate concurred in House amendment.

Public Law 94-41
94th Congress

Joint Resolution

Making continuing appropriations for the fiscal year 1976, and for other purposes.

June 27, 1975
[H.J. Res. 499]

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the following sums are appropriated out of any money in the Treasury not otherwise appropriated, and out of applicable corporate or other revenues, receipts, and funds, for the several departments agencies, corporations, and other organizational units of the Government for the fiscal year 1976, namely:

Continuing appropriations, 1976.

SEC. 101. (a)(1) Such amounts as may be necessary for continuing projects or activities (not otherwise specifically provided for in this joint resolution) which were conducted in the fiscal year 1975 and for which appropriations, funds, or other authority would be available in the following appropriation Acts for the fiscal year 1976:

Education Division and Related Agencies Appropriations Act;

Department of Housing and Urban Development-Independent Agencies Appropriation Act, including the limitation on aggregate loans that may be made under section 202 of the Housing Act of 1959, as amended; 12 USC 1701q.

Departments of Labor, and Health, Education, and Welfare, and Related Agencies Appropriation Act;

Legislative Branch Appropriation Act;

Public Works for Water and Power Development and Energy Research Appropriation Act; and

Departments of State, Justice, and Commerce, the Judiciary, and Related Agencies Appropriation Act, notwithstanding section 15(a) of the Act entitled, "An Act to provide certain basic authority for the Department of State", approved August 1, 1956, as amended, and section 701 of the United States Information and Educational Exchange Act of 1948, as amended. 22 USC 2680. 22 USC 1476.

(2) Appropriations made by this subsection shall be available to the extent and in the manner which would be provided by the pertinent appropriation Act.

(3) Whenever the amount which would be made available or the authority which would be granted under an Act listed in this subsection as passed by the House as of July 1, 1975, is different from that which would be available or granted under such Act as passed by the Senate as of July 1, 1975, the pertinent project or activity shall be continued under the lesser amount or the more restrictive authority: *Provided*, That no provision in any appropriation Act for the fiscal year 1976, which makes the availability of any appropriation provided therein dependent upon the enactment of additional authorizing or other legislation, shall be effective before the date set forth in section 102(c) of this joint resolution.

(4) Whenever an Act listed in this subsection has been passed by only one House as of July 1, 1975, or where an item is included in only one version of an Act as passed by both Houses as of July 1, 1975, the pertinent project or activity shall be continued under the appropriation, fund, or authority granted by the one House, but at a rate

for operations not exceeding the current rate or the rate permitted by the action of the one House, whichever is lower, and under the authority and conditions provided in applicable appropriation acts for the fiscal year 1975: *Provided*, That no provision which is included in an appropriation Act enumerated in this subsection but which was not included in the applicable appropriation Act for 1975, and which by its terms is applicable to more than one appropriation, fund, or authority shall be applicable to any appropriation, fund, or authority provided in this joint resolution unless such provision shall have been included in identical form in such bill as enacted by both the House and the Senate.

(b) Such amounts as may be necessary for continuing projects or activities (not otherwise provided for in this joint resolution) which were conducted in the fiscal year 1975 and are listed in this subsection at a rate for operations not in excess of the current rate or the rate provided for in the budget estimate, whichever is lower, and under the more restrictive authority—

activities for which provision was made in the Agriculture-Environmental and Consumer Protection Appropriation Act, 1975;

88 Stat. 1822.

activities for which provision was made in the District of Columbia Appropriation Act, 1975;

88 Stat. 822.

activities for which provision was made in the Department of Interior and Related Agencies Appropriation Act, 1975: *Provided*, That none of the funds made available by this joint resolution shall be obligated or expended to finance directly or indirectly any activities or operations of the Federal Metal and Nonmetallic Mine Safety Board of Review: *Provided further*, That sections 2(e), 10, and 11 of the Federal Metal and Nonmetallic Mine Safety Act creating the Board are hereby repealed and section 12 of said Act is hereby amended by striking therein all references to "the Board" and inserting in lieu thereof "the Secretary of the Interior";

88 Stat. 803.
Federal Metal and Nonmetallic Mine Safety Board of Review, funds, prohibition.
Repeals.
30 USC 721, 729, 730.
30 USC 731.

activities for which provision was made in the Military Construction Appropriation Act, 1975;

88 Stat. 2179.

activities for which provision was made in the Department of Defense Appropriation Act, 1975;

88 Stat. 1212.

activities for which provision was made in the Foreign Assistance and Related Programs Appropriations Act, 1975, notwithstanding section 10 of Public Law 91-672, and section 15(a) of the Act entitled, "An Act to provide certain basic authority for the Department of State", approved August 1, 1956, as amended;

Ante, p. 17.
22 USC 2412.
22 USC 2680.

activities for which provision was made in the Department of Transportation and Related Agencies Appropriation Act, 1975;

88 Stat. 768.

activities for which provision was made in the Treasury, Postal Service, and General Government Appropriation Act, 1975, including payment to the Postal Service Fund at a rate for each quarter of the fiscal year 1976 not to exceed one-quarter of the budget estimate for fiscal year 1976 for the appropriation "Payment to the Postal Service Fund";

88 Stat. 613.

activities for which provision was made in the Special Energy Research and Development Appropriation Act, 1975;

88 Stat. 276.

the following activities for which provision was made in the Departments of Labor, and Health, Education, and Welfare Appropriation Act, 1975, the Supplemental Appropriations Act, 1975, the Second Supplemental Appropriations Act, 1975, or Public Law 93-324, and amendments thereto: 88 Stat. 1634. 88 Stat. 1771; *Ante*, p. 173. 88 Stat. 281.

activities under sections 225, 314(e), 317, 318, 319, 329, 472(d), and titles VII, VIII, and X of the Public Health Service Act, as amended; 42 USC 234, 246, 247b-247d, 254b, 289*l*-1, 292, 296, 300.

activities under titles II, III, and IV (part B) of the Older Americans Act; 42 USC 3011, 3021, 3035.

activities under sections 409 and 410 of the Drug Abuse Office and Treatment Act of 1972; 21 USC 1176, 1177.

activities under section 1113 of the Social Security Act, as amended; 42 USC 1313.

activities for grants for the developmentally disabled; 42 USC 4801.

activities under the Lead Based Paint Poisoning Prevention Act of 1973;

activities of the Corporation for Public Broadcasting;

activities of the United States Railway Association; and

activities of the Appalachian Regional Commission, other than those under section 201 of the Appalachian Regional Development Act of 1965, as amended. 40 USC app. 201.

(c) Such amounts as may be necessary for continuing projects or activities for which disbursements are made by the Secretary of the Senate, and the Senate items under the Architect of the Capitol, to the extent and in the manner which would be provided for in the budget estimates for fiscal year 1976.

(d) Such amounts as may be necessary for continuing the following activities, but at a rate for operations not in excess of the budget estimate—

activities of the Menominee Indian restoration program;

activities necessary for studies related to oil and gas leasing on the Outer Continental Shelf;

activities necessary for Indian contract support;

activities of the Federal Elections Commission; and

activities of the Commodity Futures Trading Commission.

(e) Such amounts as may be necessary for continuing the following activities, but at a rate for operations not in excess of the current rate unless otherwise provided specifically in this subsection: *Provided*, That the parenthetical clauses of sections 101(a) and 101(b), and the provisions of sections 102, 103, and 105 shall not apply to the third, seventh, eighth, ninth, tenth, eleventh, and twelfth unnumbered paragraphs of this subsection—

activities under section 314(d) of the Public Health Service Act, as amended; 42 USC 246.

activities under title IV, part A of the Older Americans Act; 42 USC 3031.

for activities under title IX of the Older Americans Comprehensive Services Amendments of 1973, $30,000,000: *Provided*, That no State receiving funds under this program will receive less than the amount received in fiscal year 1975 under title III of Public Law 93-203, notwithstanding the provisions of section 906 of Public Law 93-29; 42 USC 3061. 29 USC 871. 42 USC 3065.

activities under the Council on Wage and Price Stability Act; 12 USC 1904 note.

activities of the Commission on Federal Paperwork;
activities of the Office of Federal Procurement Policy;

for activities under title VI of the Comprehensive Employment and Training Act, $1,625,000,000, to remain available until June 30, 1976;

29 USC 981.

for activities of the Youth Conservation Corps, in addition to amounts made available elsewhere in this joint resolution and otherwise, an amount of $10,000,000, to remain available until the end of the fiscal year following the fiscal year for which appropriated: *Provided*, That $5,000,000 shall be available to the Secretary of the Interior and $5,000,000 shall be available to the Secretary of Agriculture;

for activities under title IV, part C, of the Social Security Act, in addition to amounts made available elsewhere in this joint resolution and otherwise, an amount of $70,000,000 for fiscal year 1976 for carrying out a work incentives program including registration of individuals for such program, and for related child care and supportive services, as authorized by section 402(a)(19)(G) of the Act, including transfer to the Secretary of Labor, as authorized by section 431 of the Act, which together with the previously authorized appropriation for fiscal year 1975, shall be the maximum amount available for transfer to the Secretary of Labor and to which States may become entitled, pursuant to section 403(d) of such Act, for these purposes, for the fiscal year 1975 and for any period in the prior fiscal year provided the prior fiscal year expenditures were claimed on quarterly statements of expenditures received by the Secretary of Health, Education, and Welfare prior to February 1, 1975;

42 USC 630.
42 USC 602.
42 USC 631.
42 USC 603.

for activities under title IV, part C of the Higher Education Act to carry out work-study programs, in addition to amounts made available elsewhere in this joint resolution and otherwise, an amount of $119,800,000, of which $60,000,000 shall remain available through September 30, 1975, and $59,800,000 shall remain available through June 30, 1976: *Provided*, That funds appropriated in the Departments of Labor, and Health, Education, and Welfare Appropriations Acts for the fiscal years ending June 30, 1974, and June 30, 1975 (Public Laws 93-192 and 93-517) for the work-study program under part C of title IV of the Higher Education Act of 1965, which have been granted to an eligible institution whose allocation exceeds the amount needed to operate a work-study program during the period for which those funds are available, shall remain available to the Commissioner for making grants to other eligible institutions until the end of the fiscal year succeeding the fiscal year for which such funds are appropriated: *Provided further*, That any amounts appropriated for basic opportunity grants for the fiscal year ending June 30, 1974, which are in excess of the amount required to meet the payment schedule announced for the academic year 1974-75, shall remain available for payments under the payment schedule announced for the academic year 1975-76;

20 USC 1087a.
87 Stat. 746.
88 Stat. 1634.

for activities under the heading Job Opportunities program pursuant to title X of the Public Works and Economic Development Act (Public Law 93-567, December 31, 1974), in addition

42 USC 3246.

to amounts made available elsewhere in this joint resolution and otherwise, an amount of $375,000,000, to remain available until December 31, 1975: *Provided*, That not to exceed $1,120,000 may be used for administrative expenses: *Provided further*, That $1,000,000 shall be available until expended, and shall be transferred to "Regional Development Programs", Regional Action Planning Commissions, to carry out programs authorized by title V of the Public Works and Economic Development Act of 1965, as amended; 42 USC 3181.

for activities under the heading Rural Water and Waste Disposal Grants pursuant to sections 306(a)(2) and 306(a)(6) of the Consolidated Farm and Rural Development Act, as amended (7 U.S.C. 1926), in addition to amounts made available elsewhere in this joint resolution and otherwise, an amount of $150,000,000 to remain available until expended, pursuant to section 306(d) of the above Act;

The following activities for which provision was made in the Agriculture-Environmental and Consumer Protection Appropriation Act, 1975: 88 Stat. 1822.

payments to States and Possessions by the Agricultural Marketing Service;

activities of the agricultural conservation program, the forestry incentives program, and the Water Bank Act program; 16 USC 1301 note.

activities of the Farmers Home Administration pertaining to rural housing for domestic farm labor, and mutual and self-help housing;

food programs under section 32 of the Act of August 24, 1935, and section 416 of the Agricultural Act of 1949, as amended, including cost-of-living increases mandated by law and the School Breakfast program; 7 USC 612c. 7 USC 1431.

activities of the Federal Energy Administration as they relate to the petroleum allocation program;

activities of the legal services program; and

notwithstanding the sixth clause of subsection (b) of this section, activities of the Department of State for assistance to refugees from the Soviet Union shall be funded at not to exceed an annual rate for obligations of $20,000,000, notwithstanding section 15(a) of the Act entitled, "An Act to provide certain basic authority for the Department of State", approved August 1, 1956, as amended, and section 10 of Public Law 91-672; notwithstanding the sixth clause of subsection (b) of this section, activities of the Department of Health, Education, and Welfare for assistance to refugees in the United States (Cuban Program) shall be funded at not to exceed the annual rate for obligations of $90,000,000. 22 USC 2680. 22 USC 2412.

(f) Such amounts as may be necessary to permit payments and assistance mandated by law for the following activities which were conducted in fiscal year 1975—

activities under the Railroad Retirement Act, as amended; 48 Stat. 1283.

activities under title XVI of the Social Security Act, as amended;

activities under the Food Stamp Act, the Child Nutrition Act, and the School Lunch Act, as amended, except for section 17(b) of the Child Nutrition Act of 1966; 42 USC 1381. 7 USC 2011 note. 42 USC 1771 note. 42 USC 1751 note. 42 USC 1786.

retirement pay and medical benefits for commissioned officers of the Public Health Service;

grants to States for public assistance;

activities under the Federal Coal Mine Health and Safety Act of 1969, as amended; and

30 USC 801 note.

activities funded from the fiscal year 1975 appropriation to the Department of Labor, Employment Standards Administration, for "special benefits".

Standard level user charges, limitation.

(g) Applicable appropriations made by this joint resolution shall not be available for paying to the Administrator of the General Services Administration in excess of 90 per centum of the standard level user charge established pursuant to section 210(j) of the Federal Property and Administrative Services Act of 1949, as amended, for space and services.

40 USC 490.

SEC. 102. Appropriations and funds made available and authority granted pursuant to this joint resolution shall be available from July 1, 1975, and shall remain available until (a) enactment into law of an appropriation for any project or activity provided for in this joint resolution, or (b) enactment of the applicable appropriation Act by both Houses without any provision for such project or activity, or (c) sine die adjournment of the first session of the Ninety-fourth Congress, whichever first occurs.

SEC. 103. Appropriations and funds made available or authority granted pursuant to this joint resolution may be used without regard to the time limitations for submission and approval of apportionments set forth in 31 U.S.C. 665(d)(2), but nothing herein shall be construed to waive any other provision of law governing the apportionment of funds.

SEC. 104. Appropriations made and authority granted pursuant to this joint resolution shall cover all obligations or expenditures incurred for any project or activity during the period for which funds or authority for such project or activity are available under this joint resolution.

SEC. 105. Expenditures made pursuant to this joint resolution shall be charged to the applicable appropriation, fund, or authorization whenever a bill in which such applicable appropriation, fund, or authorization is contained is enacted into law.

SEC. 106. No appropriation or fund made available or authority granted pursuant to this joint resolution shall be used to initiate or resume any project or activity for which appropriations, funds, or other authority were not available during the fiscal year 1975.

SEC. 107. Any appropriation for the fiscal year 1976 required to be apportioned pursuant to 31 U.S.C. 665, may be apportioned on a basis indicating the need (to the extent any such increases cannot be absorbed within available appropriations) for a supplemental or deficiency estimate of appropriation to the extent necessary to permit payment of such pay increases as may be granted pursuant to law to civilian officers and employees and to active and retired military personnel. Each such appropriation shall otherwise be subject to the requirements of 31 U.S.C. 665.

SEC. 108. All obligations incurred in anticipation of the appropriations and authority provided in this joint resolution are hereby ratified and confirmed if otherwise in accordance with the provisions of this joint resolution.

Southeast Asia, assistance, prohibition of funds.

SEC. 109. None of the funds herein made available shall be obligated or expended to finance directly or indirectly any assistance to North Vietnam, South Vietnam, Cambodia, or Laos, nor shall any funds herein made available be channeled through or administered by international organizations, United Nations organizations, multilateral organizations, voluntary agencies, or any other comparable organizations or agencies in order to finance any assistance to North Vietnam, South Vietnam, Cambodia, or Laos.

SEC. 110. Any provision of law which requires unexpended funds to return to the general fund of the Treasury at the end of the fiscal year shall not be held to affect the status of any lawsuit or right of action involving the right to those funds.

SEC. 111. Unobligated balances as of June 30, 1975, of funds heretofore made available under the authority of Chapter X of Part I of the Foreign Assistance Act of 1961, as amended, are hereby continued available for the same general purposes for which appropriated. 22 USC 2293.

Approved June 27, 1975.

LEGISLATIVE HISTORY:

HOUSE REPORT No. 94-289 (Comm. on Appropriations).
SENATE REPORT No. 94-201 (Comm. on Appropriations).
CONGRESSIONAL RECORD, Vol. 121 (1975):
June 17, considered and passed House.
June 19, considered and passed Senate, amended.
June 20, House concurred in Senate amendments.

Public Law 94–42
94th Congress

Joint Resolution

June 28, 1975
[S.J. Res. 94]

To extend by ninety days the expiration date of the Defense Production Act of 1950 and to extend the funding of the National Commission on Productivity and Work Quality for ninety days.

Defense production Act of 1950, amendment; National Commission on Productivity and Work Quality, funding extension.
50 USC app. 2166.
15 USC 1026.

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the first sentence of section 717(a) of the Defense Production Act of 1950 is amended by striking out "June 30, 1975" and inserting in lieu thereof "September 30, 1975".

SEC. 2. Subsection (j) of Public Law 93–311 is amended by adding at the end thereof the following new sentence: "In addition, there are authorized to be appropriated such sums as may be necessary to carry out the provisions of this section during the period from July 1, 1975, through September 30, 1975.".

Approved June 28, 1975.

LEGISLATIVE HISTORY:

CONGRESSIONAL RECORD, Vol. 121 (1975):
June 10, considered and passed Senate.
June 17, considered and passed House.

Public Law 94-43
94th Congress

An Act

Relating to the operation of certain education laws.

June 28, 1975
[H.R. 4221]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Emergency Technical Provisions Act".

Emergency Technical Provisions Act.
42 USC 2756 note.

AVAILABILITY OF FUNDS FOR COLLEGE WORK-STUDY PROGRAMS

SEC. 2. Section 446 of the Higher Education Act of 1965 is amended by inserting "(a)" after "SEC. 446." and by adding the following new subsection at the end thereof: 42 USC 2756.

"(b) Sums granted to an eligible institution under this part for any fiscal year which are not needed by that institution to operate work-study programs during the period for which such funds are available shall remain available to the Commissioner for making grants under section 443 to other institutions in the same State until the close of the fiscal year next succeeding the fiscal year for which such funds were appropriated." 42 USC 2753.

DURATION OF THE NATIONAL ADVISORY COUNCIL ON EQUALITY OF EDUCATIONAL OPPORTUNITY

SEC. 3. Section 716(b) of the Emergency School Aid Act is amended by striking out "July 1, 1975" and inserting in lieu thereof "September 30, 1976". 20 USC 1615.

AVAILABILITY OF BASIC EDUCATIONAL OPPORTUNITY GRANTS

SEC. 4. Funds appropriated for making payments of basic educational opportunity grants, during fiscal year 1975, under subpart 1 of part A of title IV of the Higher Education Act of 1965 to eligible students in accordance with the payment schedule in effect under section 411(b) for fiscal year 1975 which are in excess of the amount paid under such section prior to the end of such fiscal year shall remain available for payments under such section during fiscal year 1976. 20 USC 1070a note. 20 USC 1070a.

EFFECTIVE DATE

42 USC 2756 note.

SEC. 5. (a) The amendment made by the provisions of section 2 of this Act shall be effective with respect to appropriations for fiscal years beginning after June 30, 1974.

20 USC 1232.

(b) Subsections (b) and (d) of section 431 of the General Education Provisions Act shall not operate to delay the effectiveness of regulations issued by the Commissioner of Education to implement the provisions of this Act.

Approved June 28, 1975.

LEGISLATIVE HISTORY:

HOUSE REPORTS No. 94-55 (Comm. on Education and Labor) and No. 94-278 (Comm. of Conference).
SENATE REPORT No. 94-141 (Comm. on Labor and Public Welfare).
CONGRESSIONAL RECORD, Vol. 121 (1975):
Mar. 18, considered and passed House.
May 20, considered and passed Senate, amended.
June 10, Senate agreed to conference report.
June 16, House agreed to conference report.

Public Law 94-44
94th Congress

An Act

To amend section 1113 of the Social Security Act to make permanent the program of temporary assistance for United States citizens returned from abroad, subject to specific limitations on the aggregate dollar amount of such assistance which may be provided and on the period for which such assistance may be furnished in any particular case, and for other purposes.

June 28, 1975
[H.R. 6698]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 1113(d) of the Social Security Act is amended to read as follows:

Social Security Act, amendment; food stamp eligibility, extension.
42 USC 1313.

"(d) The total amount of temporary assistance provided under this section shall not exceed—

"(1) $8,000,000 during the fiscal years ending June 30, 1975, and June 30, 1976, and the succeeding calendar quarter, or

"(2) $300,000 during any fiscal year beginning on or after October 1, 1976.".

SEC. 2. Section 1113(c) of the Social Security Act is amended by striking out "for such period after their arrival as may be provided in regulations of the Secretary" and inserting in lieu thereof the following: "for such period after their arrival, not exceeding ninety days, as may be provided in regulations of the Secretary; except that assistance under this section may be furnished beyond such ninety-day period in the case of any citizen or dependent upon a finding by the Secretary that the circumstances involved necessitate or justify the furnishing of assistance beyond such period in that particular case".

7 USC 2012 note.

SEC. 3. (a) Section 8(a)(1) of Public Law 93-233, as amended, is amended by striking out "18-month period", where it appears in the matter preceding the colon and in the new sentence added by such section, and inserting in lieu thereof in each instance "30-month period".

(b) Subsections (a)(2), (b)(1), (b)(2), (b)(3), and (e) of section 8 of such public law, as amended, are each amended by striking out "18-month period" and inserting in lieu thereof "30-month period".

7 USC 612c note, 1431 note, 2012 note, 42 USC 1382e note.

Approved June 28,1975.

LEGISLATIVE HISTORY:

HOUSE REPORT No. 94-209 (Comm. on Ways and Means).
SENATE REPORT No. 94-176 (Comm. on Finance).
CONGRESSIONAL RECORD, Vol. 121 (1975):
May 20, considered and passed House.
June 6, considered and passed Senate, amended.
June 20, House concurred in Senate amendments.

Public Law 94-45
94th Congress

An Act

June 30, 1975
[H.R. 6900]

To provide an additional thirteen weeks of benefits under the emergency unemployment compensation program and the special unemployment assistance program, to extend the special unemployment assistance program for one year, and for other purposes.

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

Emergency Compensation and Special Unemployment Assistance Extension Act of 1975.
26 USC 3304 note.

SHORT TITLE

SECTION 1. This Act may be cited as the "Emergency Compensation and Special Unemployment Assistance Extension Act of 1975".

TITLE I—UNEMPLOYMENT COMPENSATION PROGRAMS

PART A—EMERGENCY UNEMPLOYMENT COMPENSATION

EMERGENCY PERIODS; BENEFIT WEEKS EXTENDED WHEN STATE UNEMPLOYMENT RATE IS HIGH

26 USC 3304 note.

SEC. 101. (a) (1) Section 102(c) (3) (B) (i) of the Emergency Unemployment Compensation Act of 1974 is amended—

(A) by inserting "(I)" immediately after "if", and

(B) by inserting immediately before the period at the end thereof the following: ", and (II) the rate of insured unemployment in such State for the period consisting of such week and the immediately preceding twelve weeks equaled or exceeded 5 per centum".

(2) Section 102(c) (3) (B) (ii) of such Act is amended to read as follows:

"(ii) For purposes of subparagraph (A), there is a State 'emergency off' indicator for a week if the rate of insured unemployment in such State for the period consisting of such week and the immediately preceding twelve weeks is less than 5 per centum.".

(b) Section 102(e) of such Act is amended to read as follows:

"(e) (1) Any agreement under this Act with a State shall provide that the State will establish, for each eligible individual who files an application for emergency compensation, an emergency compensation account.

"(2) Subject to the provisions of paragraph (3), the amount established in such account for any individual shall be equal to the lesser of—

"(A) 100 per centum of the total amount of regular compensation (including dependents' allowances) payable to him with respect to the benefit year (as determined under the State law) on the basis of which he most recently received regular compensation, or

"(B) twenty-six times his average weekly benefit amount (as determined for purposes of section 202(b) (1) (C) of the Federal-State Extended Unemployment Compensation Act of 1970) for his benefit year.

26 USC 3304 note.

"(3) Notwithstanding paragraph (2), the total amount of emergency compensation payable to any individual for weeks of unemployment which begin in a 5-per centum period (as defined in section 105(5)) shall not exceed the lesser of— *Infra.*

"(A) 50 per centum of the total amount of regular compensation (including dependents' allowances) payable to him with respect to the benefit year (as determined under the State law) on the basis of which he most recently received regular compensation, or

"(B) thirteen times his average weekly benefit amount (as determined for purposes of section 202(b)(1)(C) of the Federal-State Extended Unemployment Compensation Act of 1970) for his benefit year. 26 USC 3304 note.

"(4) The amounts determined under paragraphs (2) and (3) with respect to any individual shall each be reduced by the amount of any assistance paid to such individual under title II of the Emergency Jobs and Unemployment Assistance Act of 1974 for any weeks of unemployment in the 65-week period preceding the first week of unemployment with respect to which compensation is payable to such individual under this Act.". 26 USC 3304 note.

(c) Section 102(b)(2) of such Act is amended to read as follows: 26 USC 3304 note.

"(2) for any week of unemployment which—

"(A) begins in—

"(i) an emergency benefit period (as defined in subsection (c)(3)), and

"(ii) the individual's period of eligibility (as defined in section 105(2)); or

"(B) begins in an individual's additional eligibility period (as defined in section 105(4)).". *Infra.*

(d) Section 105 of such Act is amended— 26 USC 3304 note.

(1) in paragraph (2), by striking out "and" at the end thereof,

(2) by striking out the period at the end of paragraph (3) and inserting in lieu thereof a semicolon, and

(3) by inserting after paragraph (3) the following new paragraphs:

"(4) the term 'additional eligibility period' means the thirteen-week period following the week in which an emergency benefit period ends in a State, as determined under section 102(c)(3); but no individual shall have an additional eligibility period unless there was payable to him in such State, for the week in which such emergency benefit period ended, either emergency compensation under this Act or extended compensation under the Federal-State Extended Unemployment Compensation Act of 1970; "Additional eligibility period."

"(5) the term '5-per centum period' means a period in a State which begins with the third week after the first week in which the rate of insured unemployment in the State for the period consisting of such first week and the immediately preceding twelve weeks is less than 6 per centum and which ends with the second week after the first week in which the rate of insured unemployment in the State for the period consisting of such first week and the immediately preceding twelve weeks equals or exceeds 6 per centum; except that no 5-per centum period shall begin in any State prior to the fourteenth week after the last week in a preceding 5-per centum period in such State; "5-per centum period."

"(6) the term 'rate of insured unemployment' means the percentage arrived at by dividing the average weekly number of individuals filing claims for weeks of unemployment with respect "Rate of insured unemployment."

to the specified period (as determined on the basis of the reports made by the State agency to the Secretary) by the average monthly covered employment for the specified period;

"(7) the rate of insured unemployment for any thirteen-week period shall be determined by reference to the average monthly covered employment under the State law for the first four of the most recent six calendar quarters ending before the close of such period; and

"(8) determinations with respect to the rate of insured unemployment in a State shall be made by the State agency in accordance with regulations prescribed by the Secretary.".

26 USC 3304 note.

(e) Section 102(c)(3)(A)(ii) of such Act is amended by inserting immediately before the period at the end thereof the following: ", and no emergency benefit period which began prior to January 1, 1976, shall end prior to such date".

Ante, p. 65.

(f) Section 102(e)(3) of such Act is amended by striking out "July 1, 1975" and inserting in lieu thereof "January 1, 1976".

Effective date. 26 USC 3304 note.

(g) The amendments made by subsections (a) through (e) of this section shall be effective with respect to weeks of compensation which begin on or after January 1, 1976.

EXTENSION OF PROGRAM

SEC. 102. (a) Section 102(f)(2) of the Emergency Unemployment Compensation Act of 1974 is amended by striking out "after—" and all that follows and inserting in lieu thereof "after March 31, 1977.".

26 USC 3304 note.

(b) The last sentence of section 203(e)(2) of the Federal-State Extended Unemployment Compensation Act of 1970 is amended by striking out "December 31, 1976" and inserting in lieu thereof "March 31, 1977".

26 USC 3304 note.

CONDITIONS OF ELIGIBILITY FOR BENEFITS

SEC. 103. (a) Section 102 of the Emergency Unemployment Compensation Act of 1974 is amended by adding at the end thereof the following new subsection:

26 USC 3304 note.

"(g) Notwithstanding the preceding provisions of this section, emergency compensation shall not be payable for any week to an individual who is not a participant in a training program which is approved by the Secretary if—

"(1) the State determines that there is a need for upgrading or broadening such individual's occupational skills and a program which is approved by the Secretary for such upgrading or broadening is available within a reasonable distance and without charge to the individual for tuition or fees, and

"(2) such individual is not an applicant to participate in such a program.".

STUDY AND REPORT BY SECRETARY OF LABOR

Report to Congress. 26 USC 3304 note. 26 USC 3304 note. 26 USC 3304 note.

SEC. 104. The Secretary of Labor shall conduct a study and review of the program established by the Emergency Unemployment Compensation Act of 1974 and the program established under title II of the Emergency Jobs and Unemployment Assistance Act of 1974 and shall submit to the Congress not later than January 1, 1977, a report on such study and review. Such study and review shall include—

(1) the employment, economic, and demographic characteristics of individuals receiving benefits under either such program,

(2) the needs of the long-term unemployed for job counseling, testing, referral and placement services, skill and apprenticeship training, career-related education programs, and public service employment opportunities, and

(3) an examination of all other benefits to which individuals receiving benefits under either such program are eligible together with an investigation of important factors affecting unemployment, a comparison of the aggregate value of such other benefits plus benefits received under either such program with the amount of compensation received by such individuals in their most recent position of employment.

MODIFICATION OF AGREEMENTS

SEC. 105. The Secretary of Labor shall, at the earliest practicable date after the date of the enactment of this Act, propose to each State with which he has in effect an agreement under section 102 of the Emergency Unemployment Compensation Act of 1974 a modification of such agreement designed to provide for the payment of the emergency compensation benefits allowable under such Act by reason of the amendments made by this part. Notwithstanding any provision of the Emergency Unemployment Compensation Act of 1974, if any State fails or refuses, within the three-week period beginning on the date of the enactment of this Act, to enter into such a modification of such agreement, the Secretary of Labor shall terminate such agreement.

26 USC 3304 note.

26 USC 3304 note.

COORDINATION WITH SPECIAL UNEMPLOYMENT ASSISTANCE

SEC. 106. Section 102(e) of the Emergency Unemployment Compensation Act of 1974 (as in effect on the day before the date of the enactment of this Act) is amended, effective July 1, 1975, by adding at the end thereof the following new paragraph:

Ante, p. 65.

"(4) The amount determined under paragraphs (2) and (3) with respect to any individual shall each be reduced by the amount of any assistance paid to such individual under title II of the Emergency Jobs and Unemployment Assistance Act of 1974, for any weeks of unemployment in the 65-week period preceding the first week of unemployment with respect to which compensation is payable to such individual under this Act.".

26 USC 3304 note.

PART B—MISCELLANEOUS

REPAYMENT OF STATE LOANS

SEC. 110. (a) Section 3302(c)(3) of the Internal Revenue Code of 1954 is amended by adding at the end thereof the following new sentence: "The provisions of the preceding sentence shall not be applicable with respect to the taxable year beginning January 1, 1975, or any succeeding taxable year which begins before January 1, 1978; and, for purposes of such sentence, January 1, 1978, shall be deemed to be the first January 1 occurring after January 1, 1974, and consecutive taxable years in the period commencing January 1, 1978, shall be determined as if the taxable year which begins on January 1, 1978, were the taxable year immediately succeeding the taxable year which began on January 1, 1974.".

26 USC 3302.

(b)(1) The amendment made by subsection (a) shall not be applicable in the case of any State unless the Secretary of Labor finds that such State has studied and taken appropriate action with respect to the financing of its unemployment programs so as substantially to accom-

26 USC 3302 note.

plish the purpose of restoring the fiscal soundness of the State's unemployment account in the Unemployment Trust Fund and permitting the repayment within a reasonable time of any advances made to such account under title XII of the Social Security Act. For purposes of the preceding sentence, appropriate action with respect to the financing of a State's unemployment programs means an increase in the State's unemployment tax rate, an increase in the State's unemployment tax base, a change in the experience rating formulas, or a combination thereof.

42 USC 1321.

Regulations, publication in Federal Register.

(2) The Secretary of Labor shall promptly prescribe and publish in the Federal Register regulations setting forth the criteria according to which he will determine the requirements of the preceding paragraph.

Publication in Federal Register.

(3) Immediately after he makes a determination with respect to any State under paragraph (1), the Secretary of Labor shall publish such determination, together with his reasons therefor, in the Federal Register.

TITLE II—AMENDMENTS OF EMERGENCY JOBS AND UNEMPLOYMENT ASSISTANCE ACT OF 1974

EXTENSION OF SPECIAL UNEMPLOYMENT ASSISTANCE

26 USC 3304 note.

SEC. 201. (a) Section 206 of the Emergency Jobs and Unemployment Assistance Act of 1974 is amended by striking out so much of the first sentence as precedes "*Provided*, That" and inserting in lieu thereof the following: "Except as provided by subsection (b), the maximum amount of assistance under this title which an eligible individual shall be entitled to receive during any special unemployment assistance benefit year shall be 150 per centum of the maximum amount that would have been payable to such individual during such benefit year as computed under the provisions of the applicable State unemployment compensation law, but not exceeding thirty-nine times the weekly benefit payable to the individual for a week of total unemployment as determined under subsection (a) of section 205:".

26 USC 3304 note.

(b) Section 208 of such Act is amended—

(1) by striking out "March 31, 1976" and inserting in lieu thereof "March 31, 1977"; and

(2) by striking out "December 31, 1975" and inserting in lieu thereof "December 31, 1976".

DENIAL OF SPECIAL UNEMPLOYMENT ASSISTANCE IN CASE OF CERTAIN EMPLOYEES OF EDUCATIONAL INSTITUTIONS

26 USC 3304 note.

SEC. 202. Section 203 of the Emergency Jobs and Unemployment Assistance Act of 1974 is amended by inserting "(a)" after "SEC. 203." and by adding at the end thereof the following new subsection:

"(b) An individual who performs services in an instructional, research, or principal administrative capacity for an educational institution or agency shall not be eligible to receive a payment of assistance or a waiting period credit with respect to any week commencing during the period between two successive academic years (or, when the contract provides instead for a similar period between two regular but not successive terms, during such similar period) if—

"(1) such individual performed services in any such capacity for any educational institution or agency in the first of such academic years or terms; and

"(2) such individual has a contract to perform services in any such capacity for any educational institution or agency for the later of such academic years or terms.".

TECHNICAL AND CLARIFYING AMENDMENTS

SEC. 203. (a) Section 210 of the Emergency Jobs and Unemployment Assistance Act of 1974 is amended by adding at the end thereof the following new section: 26 USC 3304 note.

"(c) Employment and wages which are not covered by the State law may be treated, under sections 203(a)(1), 205(a), and 206(a), as though they were covered only if the employment— *Ante*, p. 240. 26 USC 3304 note.

"(1) is performed by an employee (as defined in section 3121 (d) of the Internal Revenue Code of 1954), and *Post*, p. 242. 26 USC 3121.

"(2) constitutes employment as determined under section 3306 (c) of such Code without regard to paragraphs (1) through (9), (10)(B)(ii), (14), (15), and (17) of such section.

For purposes of paragraph (2), section 3306(c) of such Code shall be applied as if the term 'United States' includes the Virgin Islands.".

(b)(1) Section 205 of such Act is amended—

(A) by striking out the last sentence of subsection (b); and

(B) by adding at the end thereof the following new subsections:

"(c) If an individual knowingly has made, or caused to be made by another, a false statement or representation of a material fact, or knowingly has failed, or caused another to fail, to disclose a material fact, and as a result of such false statement or representation or of such nondisclosure such individual has received an amount of assistance under this title to which he was not entitled, such individual— Fraud.

"(1) shall be ineligible for further assistance under this title in accordance with the provisions of the applicable State unemployment compensation law relating to fraud in connection with a claim for unemployment compensation; and

"(2) shall be subject to prosecution under section 1001 of title 18, United States Code.

"(d)(1) In the case of individuals who have received amounts of assistance under this title to which they were not entitled, the State is authorized to require such individuals to repay the amounts of such assistance to the State agency, except that the State agency may waive such repayment if it determines that— Repayment of unentitled assistance.

"(A) the payment of such assistance was without fault on the part of any such individual, and

"(B) such repayment would be contrary to equity and good conscience.

"(2) The State agency may recover the amount to be repaid, or any part thereof, by deductions from any assistance payable under this title or from any unemployment compensation payable to such individual under any Federal unemployment compensation law administered by the State agency or under any other Federal law administered by the State agency which provides for the payment of any assistance or allowance with respect to any week of unemployment, during the three-year period after the date such individuals received the payment of the assistance to which they were not entitled, except that no single deduction may exceed 50 per centum of the weekly benefit amount from which such deduction is made.

"(3) No repayment shall be required, and no deduction shall be made, until a determination has been made, notice thereof and an opportunity for a fair hearing has been given to the individual, and the determination has become final. Notice and hearing.

Review.

"(e) Any determination by a State agency under subsection (c) or (d) shall be subject to review in the same manner and to the same extent as determinations under the State unemployment compensation law, and only in that manner and to that extent.".

(2) Section 210(a) of such Act is amended by striking out "and" at the end of paragraph (3), by striking out the period at the end of paragraph (4) and inserting in lieu thereof a semicolon, and by adding at the end thereof the following new paragraphs:

"State agency."

"(5) 'State agency' means the agency of the State which administers the program established by this title; and

"Special unemployment assistance benefit year."

"(6) 'special unemployment assistance benefit year' means the fifty-two week period beginning with the first week for which an individual files a valid claim for special unemployment assistance.".

(c) Section 206 of such Act is amended by inserting "(a)" after "SEC. 206." and by adding at the end thereof the following new subsection:

"(b) In the case of any individual who files a claim for assistance under this title during a benefit year which such individual has established under any State unemployment compensation law, the maximum amount of assistance under this title which such individual shall be entitled to receive during the special unemployment assistance benefit year established pursuant to such claim (as determined under subsection (a) without regard to this subsection) shall be reduced by the amount of any unemployment compensation received during the benefit year established under the State unemployment compensation law.".

Ante, p. 240.

(d) Paragraph (4) of section 203(a) of such Act (as amended by section 202 of this Act) is amended by striking out "subsection (b)" and inserting in lieu thereof "paragraph (2)".

EFFECTIVE DATES

26 USC 3304 note.

SEC. 204. (a) The Secretary of Labor shall, at the earliest practicable date after the date of the enactment of this Act, propose to each State with which he has in effect an agreement under section 202 of

26 USC 3304 note.

the Emergency Jobs and Unemployment Assistance Act of 1974 a modification of such agreement designed to provide for the payment of the special unemployment assistance allowable under such Act by reason of the amendments made by section 201. Notwithstanding any other provision of law, if any State fails or refuses, within the three-week period beginning on the date of the enactment of this Act, to enter into such a modification of any such agreement, the Secretary of Labor shall terminate such agreement.

(b) Assistance shall be payable to individuals under agreements entered into by States under title II of the Emergency Jobs and

26 USC 3304 note.

Unemployment Assistance Act of 1974, by reason of the amendments made by section 201 of this Act, for weeks of unemployment beginning on or after July 1, 1975.

(c) The amendments made by section 202 and subsections (c) and (d) of section 203 shall apply to weeks of unemployment beginning after the date of the enactment of this Act.

(d) The amendment made by section 203(a) shall take effect on December 31, 1974.

(e) The amendments made by subsections (b) and (e) of section 203 shall take effect on the date of the enactment of this Act.

TITLE III—LOANS TO THE UNEMPLOYMENT FUND OF THE VIRGIN ISLANDS

SEC. 301. (a) The Secretary of Labor (hereinafter in this section referred to as the "Secretary") may make loans to the Virgin Islands in such amounts as he determines to be necessary for the payment in any month of compensation under the unemployment compensation law of the Virgin Islands. A loan may be made under this subsection for the payment of compensation in any month only if— 26 USC 3304 note.

(1) the Governor of the Virgin Islands submits an application therefor no earlier than the first day of the preceding month; and

(2) such application contains an estimate of the amount of the loan which will be required by the Virgin Islands for the payment of compensation in such month.

(b) For purposes of this section—

(1) an application for loan under subsection (a) shall be made on such forms and shall contain such information and data (fiscal and otherwise) concerning the operation and administration of the unemployment compensation law of the Virgin Islands as the Secretary deems necessary or relevant to the performance of his duties under this section;

(2) the amount required by the Virgin Islands for the payment of compensation in any month shall be determined with due allowance for contingencies and taking into account all other amounts that will be available in the unemployment fund of the Virgin Islands for the payment of compensation in such month; and

(3) the term "compensation" means cash benefits payable to individuals with respect to their unemployment, exclusive of expenses of administration. "Compensation."

(c) Any loan made under subsection (a) shall be repayable (without interest) not later than January 1, 1978. If after January 1, 1978, any portion of any such loan remains unpaid, the Virgin Islands shall pay interest thereon, until the loan is paid in full, at a rate equal to the rate of interest in effect under section 6621 of the Internal Revenue Code of 1954. If at some future date the Federal Unemployment Tax Act shall be made applicable to the Virgin Islands, then, any amount of principal or interest due on any such loan remaining unpaid on such date shall be treated, for purposes of section 3302(c)(3) of the Internal Revenue Code of 1954, as an advance made to the Virgin Islands under title XII of the Social Security Act. 26 USC 6621. 26 USC 3311. 26 USC 3302. 42 USC 1321.

(d) No loan may be made under subsection (a) for any month beginning after June 30, 1976. The aggregate of the loans which may be made under subsection (a) shall not exceed $5,000,000. Loan limitations.

(e) There are authorized to be appropriated from the general fund of the Treasury such sums as may be necessary to carry out this section. Appropriation authorization.

SEC. 302. Section 3302(c)(4)(A) of the Internal Revenue Code of 1954 is amended by striking out "July 1, 1975" and inserting in lieu thereof "July 15, 1975".

TITLE IV—MISCELLANEOUS

TAX CREDIT FOR PURCHASE OF NEW PRINCIPAL RESIDENCE

SEC. 401. (a) Section 44(e) of the Internal Revenue Code of 1954 (relating to property to which the credit for purchase of new principal residence applies) is amended by striking out paragraph (4) and inserting in lieu thereof the following: *Ante*, p. 32. 26 USC 44.

"(4) CERTIFICATION MUST BE ATTACHED TO RETURN.—This section does not apply to any residence (other than a residence constructed by the taxpayer) unless there is attached to the return of tax on which the credit is claimed a written certification (which may be in any form) signed by the seller of such residence that—

"(A) construction of the residence began before March 26, 1975, and

"(B) the purchase price of the residence is the lowest price at which the residence was offered for sale after February 28, 1975.

For purposes of this paragraph, a written certification filed by a taxpayer is sufficient whether or not it is on a form prescribed by the Secretary or his delegate so long as such certification is signed by the seller and contains the information required under this paragraph.".

Ante, p. 32.
26 USC 44 note.

(b) Section 208(b) of the Tax Reduction Act of 1975 (relating to suits to recover amounts of price increases) is amended by striking out "ever offered for sale," each time it appears therein and inserting in lieu thereof "offered for sale after February 28, 1975,".

Approved June 30, 1975.

LEGISLATIVE HISTORY:

HOUSE REPORTS: No. 94-220 (Comm. on Ways and Means) and No. 94-328 (Comm. of Conference).
SENATE REPORT No. 94-200 (Comm. on Labor and Public Welfare).
CONGRESSIONAL RECORD, Vol. 121 (1975):
May 21, considered and passed House.
June 20, considered and passed Senate, amended.
June 26, House and Senate agreed to conference report.
WEEKLY COMPILATION OF PRESIDENTIAL DOCUMENTS, Vol. 11, No. 27:
June 30, Presidential statement.

Public Law 94–46
94th Congress

An Act

To continue for a temporary period the existing suspension of duty on certain istle.

June 30, 1975
[H.R. 7709]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) item 903.90 of the Appendix to the Tariff Schedules of the United States (19 U.S.C. 1202) is amended by striking out "9/5/75" and inserting in lieu thereof "6/30/78".

Istle, duty suspension, extension.

(b) The amendment made by subsection (a) shall apply with respect to articles entered, or withdrawn from warehouse, for consumption after September 5, 1975.

Effective date. 19 USC 1202 note.

SEC. 2. Section 101(f) of Public Law 93–647 is amended by striking "July 1, 1975" and inserting in lieu thereof "August 1, 1975".

Child support. 42 USC 651 note.

Approved June 30, 1975.

LEGISLATIVE HISTORY:

HOUSE REPORT No. 94–297 (Comm. on Ways and Means).
CONGRESSIONAL RECORD, Vol. 121 (1975):
June 24, considered and passed House.
June 26, considered and passed Senate, amended;
House concurred in Senate amendment.

57-194 O - 77 - 20

Public Law 94–47
94th Congress

An Act

June 30, 1975
[H.R. 8030]

To increase the temporary debt limitation until November 15, 1975.

Public debt limit. Temporary increase. 31 USC 757b note.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That during the period beginning on the date of the enactment of this Act and ending on November 15, 1975, the public debt limit set forth in the first sentence of section 21 of the Second Liberty Bond Act (31 U.S.C. 757b) shall be temporarily increased by $177,000,000,000.

Repeal; effective date. 31 USC 757b note. *Ante.* p. 5.

SEC. 2. Effective on the date of the enactment of this Act, the first section of the Act of February 19, 1975, entitled "An Act to increase the temporary debt limitation and to extend such temporary limitation until June 30, 1975" (Public Law 94–3), is hereby repealed.

Approved June 30, 1975.

LEGISLATIVE HISTORY:

HOUSE REPORT No. 94–312 (Comm. on Ways and Means).
CONGRESSIONAL RECORD, Vol. 121 (1975):
June 24, considered and passed House.
June 26, considered and passed Senate.

Public Law 94-48
94th Congress

An Act

To amend title XIX of the Social Security Act to extend the protection against the loss of medicaid because of the 1972 increase in Social Security benefits, and to extend the exemption of Puerto Rico, Guam, and the Virgin Islands from certain requirements relating to choice of provider.

July 1, 1975
[H.R. 8109]

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

Medicaid assistance, extension.
42 USC 1396a.

SECTION 1. Section 1902(a) of the Social Security Act is amended by adding at the end the following new paragraph:

"For purposes of paragraph (10) any individual who, for the month of August 1972, was eligible for or receiving aid or assistance under a State plan approved under title I, X, XIV, or XVI, or part A of title IV and who for such month was entitled to monthly insurance benefits under title II shall for purposes of this title only be deemed to be eligible for financial aid or assistance for any month thereafter if such individual would have been eligible for financial aid or assistance for such month had the increase in monthly insurance benefits under title II resulting from enactment of Public Law 92-336 not been applicable to such individual.".

42 USC 301, 1201, 1351, 1381, 601.
42 USC 401.

86 Stat. 406.

SEC. 2. Section 1902(a)(23) of the Social Security Act is amended by inserting after "(23)" the following: "except in the case of Puerto Rico, the Virgin Islands, and Guam,".

Exemptions.

Approved July 1, 1975.

LEGISLATIVE HISTORY:

HOUSE REPORT No. 94-327 (Comm. on Foreign Commerce).
CONGRESSIONAL RECORD, Vol. 121 (1975):
June 26, considered and passed House.
June 27, considered and passed Senate.

Public Law 94–49
94th Congress

An Act

July 2, 1975
[H.R. 37]

To authorize appropriations to carry out the Standard Reference Data Act.

Standard Reference Data Act, appropriation authorization.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That there is authorized to be appropriated to the Department of Commerce not to exceed $2,800,000 for fiscal year ending June 30, 1976; not to exceed $750,000 for the fiscal year transition period from July 1, 1976, through September 30, 1976; not to exceed $3,000,000 for the fiscal year ending September 30, 1977; and not to exceed $3,000,000 for the fiscal year ending September 30, 1978, to carry out the purposes of the Standard Reference Data Act (15 U.S.C. 290–290f; 82 Stat. 339).

Approved July 2, 1975.

LEGISLATIVE HISTORY:

HOUSE REPORT No. 94–62 (Comm. on Science and Technology).
SENATE REPORT No. 94–159 (Comm. on Commerce).
CONGRESSIONAL RECORD, Vol. 121 (1975):
Apr. 9, considered and passed House.
June 2, considered and passed Senate, amended.
June 20, House concurred in Senate amendment.

Public Law 94-50
94th Congress

An Act

To authorize temporary assistance to help defray mortgage payments on homes owned by persons who are temporarily unemployed or underemployed as the result of adverse economic conditions.

July 2, 1975
[H.R. 5398]

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

Emergency Housing Act of 1975.

SHORT TITLE

SECTION 1. That this Act may be cited as the "Emergency Housing Act of 1975". 12 USC 2701 note.

TITLE I—EMERGENCY MORTGAGE RELIEF

Emergency Homeowners' Relief Act.

SHORT TITLE

SEC. 101. This title may be cited as the "Emergency Homeowners' Relief Act". 12 USC 2701 note.

FINDINGS AND PURPOSE

SEC. 102. (a) The Congress finds that— 12 USC 2701.

(1) the Nation is in a severe recession and that the sharp downturn in economic activity has driven large numbers of workers into unemployment and has reduced the incomes of many others;

(2) as a result of these adverse economic conditions the capacity of many homeowners to continue to make mortgage payments has deteriorated and may further deteriorate in the months ahead, leading to the possibility of widespread mortgage foreclosures and distress sales of homes; and

(3) many of these homeowners could retain their homes with temporary financial assistance until economic conditions improve.

(b) It is the purpose of this title to provide a standby authority which will prevent widespread mortgage foreclosures and distress sales of homes resulting from the temporary loss of employment and income through a program of emergency loans and advances and emergency mortgage relief payments to homeowners to defray mortgage expenses.

MORTGAGES ELIGIBLE FOR ASSISTANCE

SEC. 103. No assistance shall be extended with respect to any mortgage under this title unless— 12 USC 2702.

(1) the holder of the mortgage has indicated to the mortgagor its intention to foreclose;

(2) the mortgagor and holder of the mortgage have indicated in writing to the Secretary of Housing and Urban Development (hereinafter referred to as the "Secretary") and to any agency or department of the Federal Government responsible for the regulation of the holder that circumstances (such as the volume of delinquent loans in its portfolio) make it probable that there will be a foreclosure and that the mortgagor is in need of emergency mortgage relief as authorized by this title, except that

such statement by the holder of the mortgage may be waived by the Secretary if in his judgment such waiver would further the purposes of this title;

(3) payments under the mortgage have been delinquent for at least three months;

(4) the mortgagor has incurred a substantial reduction in income as a result of involuntary unemployment or underemployment due to adverse economic conditions and is financially unable to make full mortgage payments;

(5) there is a reasonable prospect that the mortgagor will be able to make the adjustments necessary for a full resumption of mortgage payments; and

(6) the mortgaged property is the principal residence of the mortgagor.

LIMITS OF ASSISTANCE

12 USC 2703.

SEC. 104. (a) Assistance under this title with respect to a mortgage which meets the requirements of section 103 may be provided in the form of emergency mortgage relief loans and advances of credit insured pursuant to section 105 or in the form of emergency mortgage relief payments made by the Secretary pursuant to section 106.

(b) Assistance under this title on behalf of a homeowner may be made available in an amount up to the amount of the principal, interest, taxes, ground rents, hazard insurance, and mortgage insurance premiums due under the homeowner's mortgage, but such assistance shall not exceed the lesser of $250 per month or the amount determined to be reasonably necessary to supplement such amount as the homeowner is capable of contributing toward such mortgage payment.

(c) Monthly payments may be provided under this title either with the proceeds of an insured loan or advance of credit or with emergency mortgage relief payments for up to twelve months, and, in accordance with criteria prescribed by the Secretary, such monthly payments may be extended once for up to twelve additional months. A mortgagor receiving the benefit of mortgage relief assistance pursuant to this title shall be required, in accordance with criteria prescribed by the Secretary, to report any increase in income which will permit a reduction or termination of such assistance during this period.

(d) Emergency loans or advances of credit made and insured under section 105, and emergency mortgage relief payments made under section 106, shall be repayable by the homeowner upon such terms and conditions as the Secretary shall prescribe, except that interest on a loan or advance of credit insured under section 105 or emergency mortgage relief payments made under section 106 shall not be charged at a rate which exceeds the maximum interest rate applicable with respect to mortgages insured pursuant to section 203(b) of the National Housing Act.

12 USC 1709.

Deferred payments.

(e) The Secretary may provide for the deferral of the commencement of the repayment of a loan or advance insured under section 105 or emergency mortgage relief payments made under section 106 until one year following the date of the last disbursement of the proceeds of the loan or advance or payments or for such longer period as the Secretary determines would further the purpose of this title. The Secretary shall by regulation require such security for the repayment of insured loans or advances of credit or emergency mortgage relief payments as he deems appropriate and may require that such repayment be secured by a lien on the mortgaged property.

EMERGENCY MORTGAGE RELIEF LOANS AND ADVANCES

SEC. 105. (a) The Secretary is authorized, upon such terms and conditions as the Secretary may prescribe, to insure banks, trust companies, finance companies, mortgage companies, savings and loan associations, insurance companies, credit unions, and such other financial institutions, which the Secretary finds to be qualified by experience and facilities and approves as eligible for insurance, against losses which they may sustain as a result of emergency loans or advances of credit made in accordance with the provisions of section 104 and this section with respect to mortgages eligible for assistance under this title. 12 USC 2704.

(b) In no case shall the insurance granted by the Secretary under this section to any financial institution on loans and advances made by such financial institution for the purposes of this title exceed 40 per centum of the total amount of such loans and advances made by the institution, except that, with respect to any individual loan or advance of credit, the amount of any claim for loss on such individual loan or advance of credit paid by the Secretary under the provision of this section shall not exceed 90 per centum of such loss.

(c) The Secretary is authorized to fix a premium charge or charges for the insurance granted under this section, but in the case of any loan or advance of credit, such charge or charges shall not exceed an amount equivalent to one-half of 1 per centum per annum of the principal obligation of such loan or advance of credit outstanding at any time.

(d) The Secretary is authorized and empowered to waive compliance with any rule or regulation prescribed by the Secretary for the purposes of this section if, in the Secretary's judgment, the enforcement of such rule or regulation would impose an injustice upon an insured lending institution which has substantially complied with such regulations in good faith. Any payment for loss made to an insured financial institution under this section shall be final and incontestable after two years from the date the claim was certified for payment by the Secretary, in the absence of fraud or misrepresentation on the part of such institution unless a demand for repurchase of the obligation shall have been made on behalf of the United States prior to the expiration of such two-year period. The Secretary is authorized to transfer to any financial institution approved for insurance under this title any insurance in connection with any loan which may be sold to it by another insured financial institution. Waiver.

(e) The aggregate amount of loans and advances insured under this section shall not exceed $1,500,000,000 at any one time. Limitation.

EMERGENCY MORTGAGE RELIEF PAYMENTS

SEC. 106. (a) In the case of any mortgagee which would otherwise be eligible to participate in the program authorized under section 105 but does not qualify for an advance or advances as authorized by section 113 of this title or under section 10, 10b, or 11 of the Federal Home Loan Bank Act or otherwise elects not to participate in the program authorized under section 105, the Secretary is authorized to make repayable emergency mortgage relief payments directly to such mortgagee on behalf of homeowners whose mortgages are held by such financial institution and who are delinquent in their mortgage payments. 12 USC 2705. 12 USC 1430, 1430b, 1431.

(b) Emergency mortgage relief payments shall be made under this section only with respect to a mortgage which meets the requirements of section 103 and only on such terms and conditions as the Secretary may prescribe, subject to the provisions of section 104.

(c) The Secretary may make such delegations and accept such certifications with respect to the processing of mortgage relief payments provided under this section as he deems appropriate to facilitate the prompt and efficient implementation of the assistance authorized under this section.

EMERGENCY HOMEOWNERS' RELIEF FUND

Establishment.
12 USC 2706.

SEC. 107. (a) (1) To carry out the purposes of this title, the Secretary is authorized to establish in the Treasury of the United States an Emergency Homeowners' Relief Fund (hereinafter in this title referred to as the "fund") which shall be available to the Secretary without fiscal year limitation—

(A) for making payments in connection with defaulted loans or advances of credit insured under section 105 of this title;

(B) for making emergency mortgage relief payments under section 106 of this title;

(C) to pay such administrative expenses (or portion of such expenses) of carrying out the provisions of this title as the Secretary may deem necessary.

(2) The fund shall be credited with—

(A) all amounts received by the Secretary as premium charges for insurance or as repayment for emergency mortgage relief payments under this title and all receipts, earnings, collections, or proceeds derived from any claim or other assets acquired by the Secretary under this Act; and

(B) such amounts as may be appropriated for the purposes of this title.

AUTHORITY OF THE SECRETARY

Rules and regulations.
12 USC 2707.

SEC. 108. (a) The Secretary is authorized to make such rules and regulations as may be necessary to carry out the provisions of this title.

(b) Notwithstanding any other provision of law relating to the acquisition, handling, improvement, or disposal of real or other property by the United States, the Secretary shall have power, for the protection of the interest of the fund authorized under this title, to pay out of such fund all expenses or charges in connection with the acquisition, handling, improvement, or disposal of any property, real or personal, acquired by the Secretary as a result of recoveries under security, subrogation, or other rights.

(c) In the performance of, with respect to, the functions, powers, and duties vested in the Secretary by this title, the Secretary shall—

(1) have the power, notwithstanding any other provision of law, whether before or after default, to provide by contract or otherwise for the extinguishment upon default of any redemption, equitable, legal, or other right, title in any mortgage, deed, trust, or other instrument held by or held on behalf of the Secretary under the provisions of this title; and

(2) have the power to foreclose on any property or commence any action to protect or enforce any right conferred upon the Secretary by law, contract, or other agreement, and bid for and purchase at any foreclosure or other sale any property in connection with which assistance has been provided pursuant to this title. In the event of any such acquisition, the Secretary may, notwithstanding any other provision of law relating to the acquisition, handling, or disposal of real property by the United States, complete, remodel and convert, dispose of, lease, and otherwise deal with, such property. Notwithstanding any other provision of law, the Secretary also shall have power to pursue to final collec-

tion by way of compromise or otherwise all claims acquired by him in connection with any security, subrogation, or other rights obtained by him in administering this title.

AUTHORIZATION AND EXPIRATION DATE

SEC. 109. (a) There are authorized to be appropriated for purposes of this title such sums as may be necessary, except that the funds authorized to be appropriated for section 106 shall not exceed $500,000,000. Any amounts so appropriated shall remain available until expended. 12 USC 2708.

(b) No loans or advance of credit shall be insured and no emergency mortgage relief payments made under this title after June 30, 1976, except if such loan or advance or such payments are made with respect to a mortgagor receiving the benefit of a loan or advance insured, or emergency mortgage relief payments made, under this title on such date.

NOTIFICATION

SEC. 110. (a) Until one year from the date of enactment of this title, each Federal supervisory agency with respect to financial institutions subject to its jurisdiction, and the Secretary, with respect to other approved mortgagees, shall (1) take appropriate action, not inconsistent with laws relating to the safety or soundness of such institutions or mortgagee, as the case may be, to waive or relax limitations pertaining to the operations of such institutions or mortgagees with respect to mortgage delinquencies in order to cause or encourage forebearance in residential mortgage loan foreclosures, and (2) request each such institution or mortgagee to notify that Federal supervisory agency, the Secretary, and the mortgagor, at least thirty days prior to instituting foreclosure proceedings in connection with any mortgage loan. As used in this title the term "Federal supervisory agency" means the Board of Governors of the Federal Reserve System, the Board of Directors of the Federal Deposit Insurance Corporation, the Comptroller of the Currency, the Federal Home Loan Bank Board, the Federal Savings and Loan Insurance Corporation, and the National Credit Union Administration. 12 USC 2709.

"Federal supervisory agency."

REPORTS

SEC. 111. Within sixty days after enactment of this title and within each sixty-day period thereafter prior to July 1, 1976, the Secretary shall make a report to the Congress on (1) the current rate of delinquencies and foreclosures in the housing market areas of the country which should be of immediate concern if the purposes of this title is to be achieved; (2) the extent of, and prospect for continuance of, voluntary forebearance by mortgagees in such housing market areas; (3) actions being taken by governmental agencies to encourage forebearance by mortgagees in such housing market areas; (4) actions taken and actions likely to be taken with respect to making assistance under this title available to alleviate hardships resulting from any serious rates of delinquencies and foreclosures; and (5) the current default status and projected default trends with respect to mortgages covering multifamily properties with special attention to mortgages insured under the various provisions of the National Housing Act and with recommendations on how such defaults and prospective defaults may be cured or avoided in a manner which, while giving weight to the financial interests of the United States, takes into full considera- Report to Congress. 12 USC 2710. 12 USC 1701.

tion the urgent needs of the many low- and moderate-income families that currently occupy such multifamily properties.

NONAPPLICABILITY OF OTHER LAWS

12 USC 2711. SEC. 112. Notwithstanding any provision of law which limits the nature, amount, term, form, or rate of interest, or the nature, amount, or form of security of loans or advances of credit, loans, or advances of credit may be made in accordance with the provisions of this title without regard to such provision of law.

FEDERAL DEPOSIT INSURANCE CORPORATION ADVANCES

12 USC 2712. SEC. 113. Notwithstanding any other provision of law, the Federal Deposit Insurance Corporation is authorized, upon such terms and conditions as the Corporation may prescribe, to make such advances to any insured bank as the Corporation determines may be necessary or appropriate to facilitate participation by such bank in the program authorized by this title. For the purpose of obtaining such funds as it determines are necessary for such advances, the Corporation may borrow from the Treasury as authorized in section 14 of the Federal Deposit Insurance Act (12 U.S.C. 1824; 64 Stat. 890), and the Secretary of the Treasury is authorized and directed to make loans to the Corporation for such purpose in the same manner as loans may be made for insurance purposes under such section, subject to the maximum limitation on outstanding aggregate loans there provided.

TITLE II—AMENDMENTS TO THE EMERGENCY HOME PURCHASE ASSISTANCE ACT OF 1974

ACTIVATION OF PROGRAM

12 USC 2723e. SEC. 201. Section 313(a)(1) of the National Housing Act is amended by inserting "or other economic conditions" immediately after "governmental actions".

LIMITATION ON INTEREST RATE

SEC. 202. Section 313(b)(C) of the National Housing Act is amended to read as follows:

"(C) such mortgage involves an interest rate not in excess of that which the Secretary may prescribe, taking into account the cost of funds and administrative costs under this section, but in no event shall such rate exceed the lesser of (i) 7½ per centum per annum, or (ii) the rate set by the Secretary applicable to mortgages insured under section 203(b) of the National Housing Act, and no State or local usury law or comparable law establishing interest rates or prohibiting or limiting the collection or amount of discount points or other charges in connection with mortgage transactions or any State law prohibiting the coverage of mortgage insurance required by the Association shall apply to transactions under this section;".

12 USC 1709.

GUARANTEE AUTHORITY

SEC. 203. Section 313(d)(1) of the National Housing Act is amended—

(1) by striking out "purchased" in the first sentence and inserting "eligible for purchase" in lieu thereof; and

(2) by inserting after the first sentence the following: "Such securities shall bear interest at a rate equal to the rate on the underlying mortgages less an allowance for servicing and other expenses as approved by the Association.".

FEDERAL FINANCING BANK FINANCING

SEC. 204. Section 313(d)(2) of the National Housing Act is amended by striking out the first sentence and inserting in lieu thereof the following: "The Association may offer and sell any mortgages purchased or securities guaranteed under this section to the Federal Financing Bank, and such Bank is authorized and directed to purchase any such mortgages or securities offered by the Association.". 12 USC 1723e.

COVERAGE OF MULTIFAMILY AND CONDOMINIUM UNITS

SEC. 205. Section 313 of the National Housing Act is amended by adding the following new subsection at the end thereof:

"(h) Notwithstanding the provisions of subsection (b), the Association may make commitments to purchase and purchase, and may service, sell (with or without recourse), or otherwise deal in, a mortgage which covers more than four-family residences (including residences in a cooperative or condominium), or a single-family unit in a condominium, and which is not insured under the National Housing Act or guaranteed under chapter 37 of title 38, United States Code, if— 12 USC 1701. 38 USC 1801.

"(1) in the case of a project mortgage, the principal obligation of the mortgage does not exceed, for that part of the property attributable to dwelling use, the lesser of (A) the per unit amount specified in subsection (b)(B), or (B) the per unit limitations specified in section 207 of this Act in the case of a rental project or section 213 of this Act in a case of a cooperative project, or section 234 in the case of a condominium project; 12 USC 1713. 12 USC 1715e. 12 USC 1715y.

"(2) in the case of a mortgage covering a housing project, the outstanding principal balance of the mortgage does not exceed 75 per centum of the value of the property securing such mortgage or is insured by a qualified private insurer or public benefit corporation created by the State which acts as an insurer as determined by the Association;

"(3) in the case of a mortgage covering an individual condominium unit, the mortgage is insured by a qualified private insurer or public benefit corporation created by the State which acts as an insurer as determined by the Association or has an outstanding principal balance which does not exceed 80 per centum of the value of the property securing the mortgage;

"(4) the mortgage is not being used to finance the conversion of an existing rental housing project into a condominium project or to finance the purchase of an individual unit in a condominium project in connection with the conversion of such project from rental to condominium form of ownership; and

"(5) the mortgage meets the requirements of subsection (b) except as modified by this subsection and any additional requirements the Secretary may prescribe to protect the interest of the United States or to protect consumers.".

AUTHORIZATION

SEC. 206. Section 313(g) of the National Housing Act is amended by adding the following at the end thereof: "Such total amount shall 12 USC 1723e.

be increased on or after the date of enactment of the Emergency Housing Act of 1975, by such amount as is approved in an appropriation Act, but not to exceed $10,000,000,000, and the Association shall not issue obligations pursuant to this section utilizing authority which is conferred by this sentence or which is conferred by the first sentence of this subsection but uncommitted on October 18, 1975, except as approved in appropriation Acts.".

EXTENSION

12 USC 1723e note.

SEC. 207. Section 3(b) of the Emergency Home Purchase Assistance Act of 1974 is amended—

(1) by striking out "for a period of one year following such date of enactment" and inserting in lieu thereof "until July 1, 1976"; and

(2) by striking out "the expiration of such period" each place it appears and inserting in lieu thereof "such date".

TITLE III—EMERGENCY REPAIR AND REHABILITATION AUTHORITY

42 USC 1452b.

SEC. 301. (a) Section 312(h) of the Housing Act of 1964 is amended by striking out "one-year" and inserting in lieu thereof "two-year".

(b) Section 312(d) of such Act is amended by inserting "ending prior to July 1, 1975, and not to exceed $100,000,000 for the fiscal year beginning on July 1, 1975," after "each fiscal year".

12 USC 1735b.

SEC. 302. Section 518(b) of the National Housing Act is amended—

(1) by striking out "one or two" and inserting in lieu thereof "one, two, three, or four"; and

(2) by striking out "one year" the second time it appears in clause (1) of the first sentence of such section and inserting in lieu thereof "19 months".

42 USC 4106.

SEC. 303. Section 202(b) of the Flood Disaster Protection Act of 1973 is amended by inserting before the period at the end thereof a comma and the following: "except that the prohibition contained in this sentence shall not apply to any loan made prior to January 1, 1976, to finance the acquisition of a previously occupied residential dwelling".

Approved July 2, 1975.

LEGISLATIVE HISTORY:

HOUSE REPORT No. 94-124 (Comm. on Banking, Currency and Housing).
SENATE REPORT No. 94-78 accompanying S. 1457 (Comm. on Banking, Housing and Urban Affairs).
CONGRESSIONAL RECORD, Vol. 121 (1975):
Apr. 14, considered and passed House.
June 25, 26, considered and passed Senate, amended; House concurred in Senate amendment with amendments.
June 27, Senate concurred in House amendments.
WEEKLY COMPILATION OF PRESIDENTIAL DOCUMENTS, Vol. 11, No. 27:
July 2, Presidential statement.

Public Law 94–51
94th Congress

An Act

To extend the Federal Insecticide, Fungicide, and Rodenticide Act, as amended, for three months.

July 2, 1975
[H.R. 6387]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 27 of the Federal Insecticide, Fungicide, and Rodenticide Act, as amended (7 U.S.C. 136(y)) is amended by adding at the end of such section the following: "There is hereby authorized to be appropriated to carry out the provisions of this Act for the period beginning July 1, 1975, and ending September 30, 1975, the sum of $11,967,000.".

Federal Insecticide, Fungicide, and Rodenticide Act, extension.
7 USC 136y.

Approved July 2, 1975.

LEGISLATIVE HISTORY:

HOUSE REPORT No. 94–290 (Comm. on Agriculture).
SENATE REPORT No. 94–212 (Comm. on Agriculture and Forestry).
CONGRESSIONAL RECORD, Vol. 121 (1975):
June 17, considered and passed House.
June 24, considered and passed Senate.

Public Law 94–52
94th Congress

An Act

July 3, 1975
[H.R. 6054]

To authorize further appropriations for the Office of Environmental Quality, and for other purposes.

Office of Environmental Quality; Council on Environmental Quality. Appropriation authorization.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 205 of the Environmental Quality Improvement Act of 1970 (42 U.S.C. 4374) is amended to read as follows:

"SEC. 205. There are hereby authorized to be appropriated for the operations of the Office of Environmental Quality and the Council on Environmental Quality $2,000,000 for the fiscal year ending June 30, 1976, and not to exceed $500,000 for the transition period (July 1, 1976 to September 30, 1976). This authorization is in addition to those contained in Public Law 91–190.".

42 USC 4321 note.

SEC. 2. Section 203 of the National Environmental Policy Act of 1969 (42 U.S.C. 4343) is amended by inserting "(a)" immediately before "The Council" and by adding at the end thereof the following new subsection:

Voluntary and uncompensated services.

"(b) Notwithstanding section 3679(b) of the Revised Statutes (31 U.S.C. 665(b)), the Council may accept and employ voluntary and uncompensated services in furtherance of the purposes of the Council.".

42 USC 4347, 4346.

SEC. 3. Title II of the National Environmental Policy Act of 1969 (42 U.S.C. 4341 et seq.) is amended by redesignating section 207 as section 209, and by inserting immediately after section 206 the following new sections:

"ACCEPTANCE OF TRAVEL REIMBURSEMENT

42 USC 4346a.

"SEC. 207. The Council may accept reimbursements from any private nonprofit organization or from any department, agency, or instrumentality of the Federal Government, any State, or local government, for the reasonable travel expenses incurred by an officer or employee of the Council in connection with his attendance at any conference, seminar, or similar meeting conducted for the benefit of the Council.

"EXPENDITURES FOR INTERNATIONAL TRAVEL

42 USC 4346b.

"SEC. 208. The Council may make expenditures in support of its international activities, including expenditures for: (1) international travel; (2) activities in implementation of international agreements; and (3) the support of international exchange programs in the United States and in foreign countries.".

Approved July 3, 1975.

LEGISLATIVE HISTORY:

HOUSE REPORT No. 94–223 (Comm. on Merchant Marine and Fisheries).
SENATE REPORT No. 94–209 (Comm. on Interior and Insular Affairs).
CONGRESSIONAL RECORD, Vol. 121 (1975):
May 19, considered and passed House.
June 21, considered and passed Senate.

Public Law 94–53
94th Congress

Joint Resolution

To provide that the flag of the United States of America may be flown for twenty-four hours of each day in Valley Forge State Park, Valley Forge, Pennsylvania.

July 4, 1975
[S.J. Res. 98]

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That, notwithstanding the rule or custom pertaining to the display of the flag of the United States of America between sunrise and sunset, as set forth in section 2(a) of the joint resolution, entitled, "Joint resolution to codify and emphasize existing rules and customs pertaining to the display and use of the flag of the United States of America", approved June 22, 1942 (36 U.S.C. 174(a)), the flag of the United States of America may be flown for twenty-four hours of each day on the grounds of the National Memorial Arch in Valley Forge State Park, Valley Forge, Pennsylvania. The flag may not be flown pursuant to the authority contained in this Act during the hours from sunset to sunrise unless it is illuminated.

Valley Forge State Park, Pa.
U.S. flag, display.
36 USC 174 note.

Approved July 4, 1975.

LEGISLATIVE HISTORY:

CONGRESSIONAL RECORD, Vol. 121 (1975):
June 26, considered and passed Senate and House.
WEEKLY COMPILATION OF PRESIDENTIAL DOCUMENTS, Vol. 11, No. 28:
July 5, Presidential statement.

Public Law 94-54
94th Congress

An Act

July 7, 1975
[H.R. 5217]

To authorize appropriations for the Coast Guard for the procurement of vessels and aircraft and construction of shore and offshore establishments, to authorize appropriations for bridge alterations, to authorize for the Coast Guard an end-year strength for active duty personnel, to authorize for the Coast Guard average military student loads, and for other purposes.

U.S. Coast Guard. Appropriation authorization.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That funds are hereby authorized to be appropriated for fiscal year 1976 and for the transition period of July 1–September 30, 1976, for the use of the Coast Guard as follows:

VESSELS

For procurement of vessels:
For fiscal year 1976, $28,842,000;
For the transition period (July 1–September 30, 1976), $1,561,000.

AIRCRAFT

For procurement of aircraft:
For fiscal year 1976, $36,000,000;
For the transition period (July 1–September 30, 1976), $11,700,000.

CONSTRUCTION

For construction of shore and offshore establishments:
For fiscal year 1976, $60,082,000;
For the transition period (July 1–September 30, 1976), $2,841,000.

Active duty personnel strength. 14 USC 764.

SEC. 2. (a) For fiscal year 1976, the Coast Guard is authorized an end strength for active duty personnel of 37,916; except that the ceiling shall not include members of the Ready Reserve called to active duty under the authority of Public Law 92-479.

(b) For the transition period (July 1–September 30, 1976), the Coast Guard is authorized an end strength for active duty personnel of 38,005; except that the ceiling shall not include members of the Ready Reserve called to active duty under the authority of Public Law 92-479.

Military training student loads.

SEC. 3. (a) For fiscal year 1976, military training student loads for the Coast Guard are authorized as follows:

(1) recruit and special training, 3,880 man-years;
(2) flight training, 92 man-years;
(3) professional training in military and civilian institutions, 372 man-years; and
(4) officer acquisition training, 1,143 man-years.

(b) For the transition period (July 1–September 30, 1976), military training student loads for the Coast Guard are authorized as follows:

(1) recruit and special training, 1,071 man-years;
(2) flight training, 23 man-years;
(3) professional training in military and civilian institutions, 93 man-years; and
(4) officer acquisition training, 277 man-years.

Bridge owners, payments.

SEC. 4. (a) For use of the Coast Guard for payment to bridge owners for the cost of alterations of railroad bridges and public highway bridges to permit free navigation of the navigable waters of the United States, $6,600,000 is authorized for fiscal year 1976.

(b) For use of the Coast Guard for payment to bridge owners for the cost of alterations of railroad bridges and public highway bridges to permit free navigation of the navigable waters of the United States, $2,050,000 is authorized for the transition period (July 1–September 30, 1976).

Approved July 7, 1975.

LEGISLATIVE HISTORY:

HOUSE REPORT No. 94–178 (Comm. on Merchant Marine and Fisheries).
SENATE REPORT No. 94–178 accompanying S. 1487 (Comm. on Commerce).
CONGRESSIONAL RECORD, Vol. 121 (1975):
May 19, considered and passed House.
June 17, considered and passed Senate, amended, in lieu of S. 1487.
June 26, House concurred in Senate amendment.

Public Law 94–55
94th Congress

An Act

July 9, 1975
[S. 2003]

To amend the International Travel Act of 1961 to authorize additional appropriations, and for other purposes.

International Travel Act of 1961, amendment. Additional appropriations.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the first sentence of section 6 of the International Travel Act of 1961 (22 U.S.C. 2126) is amended by striking out "and" immediately before "(3)" and by inserting immediately before the period at the end thereof the following: "; (4) $5,000,000 for the transition period of July 1, 1976, through September 30, 1976; (5) $25,000,000 for the fiscal year ending September 30, 1977; (6) $30,000,000 for the fiscal year ending September 30, 1978; and (7) $30,000,000 for the fiscal year ending September 30, 1979".

Travel in U.S., appropriations.

SEC. 2. (a) Section 5 of the Act entitled "An Act to encourage travel in the United States, and for other purposes", approved July 19, 1940 (16 U.S.C. 18d), is amended to read as follows:

"SEC. 5. For the purpose of carrying out the provisions of this Act, there are authorized to be appropriated not to exceed $2,500,000 for the fiscal year ending June 30, 1976; $625,000 for the transition period of July 1, 1976, through September 30, 1976; $2,500,000 for the fiscal year ending September 30, 1977, and $2,500,000 for the fiscal year ending September 30, 1978.".

(b) The first section of such Act of July 19, 1940 (16 U.S.C. 18) is amended to read as follows: "That the Secretary of Commerce shall encourage, promote, and develop travel within the United States, including any Commonwealth, territory, and possession thereof, through activities which are in the public interest and which do not compete with activities of any State, city, or private agency.".

Approved July 9, 1975.

LEGISLATIVE HISTORY:

CONGRESSIONAL RECORD, Vol. 121 (1975):
June 24, considered and passed Senate.
June 26, considered and passed House.
WEEKLY COMPILATION OF PRESIDENTIAL DOCUMENTS, Vol. 11, No. 28:
July 9, Presidential statement.

Public Law 94–56
94th Congress

An Act

To amend the Federal Railroad Safety Act of 1970 and the Hazardous Materials Transportation Act to authorize additional appropriations, and for other purposes.

July 19, 1975
[S. 1462]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Federal Railroad Safety Authorization Act of 1975".

Federal Railroad Safety Authorization Act of 1975.
45 USC 440 note.

SEC. 2. Section 211(c) of the Federal Railroad Safety Act of 1970 (45 U.S.C. 440(c)), relating to a comprehensive railroad safety report, is amended—

(1) by striking out "and" at the end of paragraph (9); and

(2) by redesignating paragraph (10) as paragraph (11), and by inserting immediately after paragraph (9) the following new paragraph:

"(10) contain a description of the regulations and handling criteria established by the Secretary under the Hazardous Materials Transportation Act specifically applicable to the transportation of radioactive materials by railroad (as of June 30, 1975), together with annual projections of the amounts of radioactive materials reasonably expected to be transported by railroad during each fiscal year from 1976 through 1980 and an evaluation of the need for additional regulations and handling criteria applicable to the transportation of radioactive materials by railroad during each such fiscal year; and".

49 USC 1801 note.

SEC. 3. Section 212 of the Federal Railroad Safety Act of 1970 (45 U.S.C. 441) is amended to read as follows:

"SEC. 212. AUTHORIZATION FOR APPROPRIATIONS.

"(a) There are authorized to be appropriated to carry out the provisions of this title not to exceed $35,000,000 for the fiscal year ending June 30, 1976; and not to exceed $8,750,000 for the transition period of July 1, 1976, through September 30, 1976 (hereafter in this section referred to as the 'transition period').

"(b) Except as otherwise provided in subsection (c) of this section amounts appropriated under subsection (a) of this section shall be available for expenditure as follows:

"(1) For the Office of Safety, including salaries and expenses for up to 500 safety inspectors and up to 110 clerical personnel, not to exceed $18,000,000 for the fiscal year ending June 30, 1976; and not to exceed $4,500,000 for the transition period.

"(2) To carry out the provisions of section 206(d) of this title, not to exceed $3,500,000 for the fiscal year ending June 30, 1976; and not to exceed $875,000 for the transition period.

45 USC 435.

"(3) For the Federal Railroad Administration, for salaries and expenses not otherwise provided for, not to exceed $3,500,000 for the fiscal year ending June 30, 1976; and not to exceed $875,000 for the transition period.

"(4) For conducting research and development activities under this title, not to exceed $10,000,000 for the fiscal year ending June 30, 1976; and not to exceed $2,500,000 for the transition period.

"(c) The aggregate of the amounts obligated and expended for research and development under this title in the fiscal year ending June 30, 1976, and in the transition period, shall not exceed the aggregate of the amounts expended for rail inspection and for the investigation and enforcement of railroad safety rules, regulations, orders, and standards under this title in such fiscal year, and in the transition period, respectively.".

SEC. 4. Section 115 of the Hazardous Materials Transportation Act (49 U.S.C. 1812) is amended to read as follows:

"AUTHORIZATION FOR APPROPRIATIONS

"SEC. 115. There are authorized to be appropriated to carry out the provisions of this title not to exceed $7,000,000 for the fiscal year ending June 30, 1976, and not to exceed $1,750,000 for the transition period of July 1, 1976, through September 30, 1976.".

Approved July 19, 1975.

LEGISLATIVE HISTORY:

HOUSE REPORT No. 94-240 accompanying H.R. 5358 (Comm. on Interstate and Foreign Commerce).
SENATE REPORT No. 94-136 (Comm. on Commerce).
CONGRESSIONAL RECORD, Vol. 121 (1975):
May 16, considered and passed Senate.
June 23, considered and passed House, amended, in lieu of H.R. 5358.
July 8, Senate concurred in House amendment.

Public Law 94-57
94th Congress

An Act

To amend section 3620 of the Revised Statutes with respect to certain disbursements to be made by banks, savings banks, savings and loan associations, and credit unions.

July 19, 1975
[H.R. 7405]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) subsection (b)(3) of section 3620 of the Revised Statutes (31 U.S.C. 492(b)(3)) is amended by striking out "(except the Senate and House of Representatives)".

Congressional employees. Payroll deductions, payments to financial organizations.

(b) With respect to the Senate, the amendment made by subsection (a) shall take effect whenever the Secretary of the Senate determines the feasibility of compliance with the amendment, but in no event, later than July 1, 1976.

Effective dates. 31 USC 492 note.

(c) With respect to the House of Representatives, the amendment made by subsection (a) shall take effect whenever the Clerk of the House of Representatives determines the feasibility of compliance with the amendment, but in no event, later than July 1, 1976.

31 USC 492 note.

Approved July 19, 1975.

LEGISLATIVE HISTORY:

CONGRESSIONAL RECORD, Vol. 121 (1975):
June 16, considered and passed House.
July 7, considered and passed Senate, amended.
July 9, House concurred in Senate amendment.

Public Law 94–58
94th Congress

An Act

July 24, 1975
[H.R. 5709]

To extend until September 30, 1977, the provisions of the Offshore Shrimp Fisheries Act of 1973 relating to the shrimp fishing agreement between the United States and Brazil, and for other purposes.

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

Offshore Shrimp Fisheries Act Amendments of 1975.
16 USC 1100b note.

SHORT TITLE

SECTION 1. This Act may be cited as the "Offshore Shrimp Fisheries Act Amendments of 1975".

EXTENSION OF CERTAIN PROVISIONS

SEC. 2. Section 13 of the Offshore Shrimp Fisheries Act of 1973 (16 U.S.C. 1100b note) (hereinafter in this Act referred to as the "Act") is amended by striking out "June 15, 1975" and inserting in lieu thereof "September 30, 1977".

TECHNICAL AMENDMENTS

SEC. 3. (a) Section 2(a) of the Act (16 U.S.C. 1100b(a)) is amended by striking out "May 9, 1972" and inserting in lieu thereof "March 14, 1975".

(b)(1) The first sentence of section 3(a) of the Act (16 U.S.C. 1100b–1(a)) is amended by inserting immediately before the period at the end thereof the following: ": *Provided further*, That no more than two hundred vessels with permits shall be authorized to fish in any quarter of 1975 beginning March 1 and ending February 29, 1976, and no more than one hundred and seventy-five vessels with permits shall be authorized to fish in any quarter of 1976 beginning March 1 and ending February 28, 1977, or such other number or period as may be specified in the treaty from time to time".

(2) Section 3(f) of the Act (16 U.S.C. 1100b–1(f)) is amended—

(A) by striking out "for any year other than 1973";

(B) by striking out "$615" the first place it appears therein and inserting in lieu thereof "$1,115"; and

(C) by striking out the second sentence thereof.

(c)(1) Section 4(d)(1) of the Act (16 U.S.C. 1100b–2(d)(1)) is amended by inserting immediately after "issued" the following: "after March 14, 1975".

(2) The first sentence of section 4(d)(2) of the Act (16 U.S.C. 1100b–2(d)(2)) is amended—

(A) by inserting "under permits" immediately after "fishing"; and

(B) by striking out "during the last five years" and inserting in lieu thereof ", after May 9, 1972".

(3) The second sentence of section 4(d)(2) of the Act (16 U.S.C. 1100b–2(d)(2)) is amended—

(A) by striking out "of this Act" the first place it appears therein and inserting in lieu thereof the following: "described in section 4(b) of the Offshore Shrimp Fisheries Act Amendments of 1975";

Post, p. 268.

(B) by striking out "May 9, 1972" and inserting in lieu thereof "March 14, 1975";

(C) by striking out "the effective date of this Act" the second place it appears therein and inserting in lieu thereof the following: "such effective date";

(D) by inserting "section" immediately before "8(a)(5)" the second place it appears therein;

(E) by inserting immediately after "fishing gear" the following: ", fishing vessels and fishing methods,"; and

(F) by striking out ", if the Act had been in effect during such period".

(d) Section 5 of the Act (16 U.S.C. 1100b–3) is amended—

(1) by striking out "May 9, 1972" and inserting in lieu thereof "March 14, 1975"; and

(2) by striking out "$700" and inserting in lieu thereof "$1,215".

(e) Section 6(a) of the Act (16 U.S.C. 1100b–4(a)) is amended by adding at the end thereof the following new sentence: "Any funds remaining in the fund shall remain available for expenditure under this Act.".

(f)(1) Section 8(a) of the Act (16 U.S.C. 1100b–6(a)) is amended—

(A) by striking out "master" and inserting in lieu thereof "vessel owner, master,";

(B) by striking out the period at the end of paragraph (5) thereof and inserting in lieu thereof a semicolon; and

(C) by adding at the end thereof the following new paragraph:

"(6) engage in fishing in the area of agreement contrary to regulations establishing a procedure for limiting the number of vessels with permits which may be authorized to fish during any period in 1975 or 1976 as specified in section 3(a).".

(2) Section 8(a)(4) of the Act (16 U.S.C. 1100b–6(a)(4)) is amended by inserting immediately after "one hundred and sixty" the following: "in 1975 and one hundred and twenty in 1976".

(3) Section 8(b) of the Act (16 U.S.C. 1100b–6(b)) is amended by striking out "master" and inserting in lieu thereof "vessel owner, master,".

(g)(1) Section 9(a) of the Act (16 U.S.C. 1100b–7(a)) is amended by inserting immediately after "section 8 hereof" the following: ", or any vessel owner whose vessel is involved in such violation,".

(2) Section 9(b) of the Act (16 U.S.C. 1100b–7(b)) is amended by inserting immediately after "any proceeding" the following: "against the master or other person in charge of the vessel".

(3) Section 9(c) of the Act (16 U.S.C. 1100b–7(c)) is amended by striking out "section 8(a)(1)" and all that follows through "or subsequent violation." and inserting in lieu thereof "section 8.".

EFFECTIVE DATES

16 USC 1100b note.

SEC. 4. (a) Except as provided in subsection (b), the foregoing provisions of this Act shall take effect on the date of the enactment of this Act.

(b) The amendments made by subsections (a), (b), (c), (e), (f), and (g) of section 3 shall take effect upon the entry into force of the Agreement Between the Government of the Federative Republic of Brazil and the Government of the United States of America Concerning Shrimp, signed on March 14, 1975.

Approved July 24, 1975.

LEGISLATIVE HISTORY:

HOUSE REPORT No. 94–216 (Comm. on Merchant Marine and Fisheries).
SENATE REPORT No. 94–270 (Comm. on Commerce).
CONGRESSIONAL RECORD, Vol. 121 (1975):
May 19, considered and passed House.
July 11, considered and passed Senate.

Public Law 94-59
94th Congress

An Act

Making appropriations for the Legislative Branch for the fiscal year ending June 30, 1976, and the period ending September 30, 1976, and for other purposes.

July 25, 1975
[H.R. 6950]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the following sums are appropriated, out of any money in the Treasury not otherwise appropriated, for the Legislative Branch for the fiscal year ending June 30, 1976, and the period ending September 30, 1976, and for other purposes, namely:

Legislative Branch Appropriation Act, 1976.

TITLE I

SENATE

COMPENSATION AND MILEAGE OF THE VICE PRESIDENT AND SENATORS AND EXPENSE ALLOWANCES OF THE VICE PRESIDENT AND LEADERS OF THE SENATE

2 USC 60a note.

COMPENSATION AND MILEAGE OF THE VICE PRESIDENT AND SENATORS

For compensation and mileage of the Vice President and Senators of the United States, $4,809,240.

For "Compensation and Mileage of the Vice President and Senators of the United States" for the period July 1, 1976, through September 30, 1976, $1,205,000.

EXPENSE ALLOWANCES OF THE VICE PRESIDENT AND MAJORITY AND MINORITY LEADERS

For expense allowance of the Vice President, $10,000; Majority Leader of the Senate, $3,000; and Minority Leader of the Senate, $3,000; in all, $16,000.

For "Expense allowance of the Vice President, $2,500; Majority Leader of the Senate, $750; and Minority Leader of the Senate, $750"; in all, for the period July 1, 1976, through September 30, 1976, $4,000.

SALARIES, OFFICERS AND EMPLOYEES

For compensation of officers, employees, clerks to Senators, and others as authorized by law, including agency contributions and longevity compensation as authorized, which shall be paid from this appropriation without regard to the below limitations, as follows:

OFFICE OF THE VICE PRESIDENT

For clerical assistance to the Vice President, $584,065.

For "Office of the Vice President" for the period July 1, 1976, through September 30, 1976, $146,000.

OFFICES OF THE MAJORITY AND MINORITY LEADERS

For offices of the Majority and Minority Leaders, $239,000: *Provided*, That, effective July 1, 1975, the Majority and Minority Leaders

2 USC 61h-3.

may each appoint and fix the compensation of an executive secretary at not to exceed $24,160 per annum in lieu of $20,838 per annum and a clerical assistant at not to exceed $20,838 per annum in lieu of $17,818 per annum.

For "Offices of the Majority and Minority Leaders" for the period July 1, 1976, through September 30, 1976, $60,000.

OFFICES OF THE MAJORITY AND MINORITY WHIPS

2 USC 61j-1.

For offices of the Majority and Minority Whips, $185,440: *Provided*, That, effective July 1, 1975, the Majority and Minority Whips may each appoint and fix the compensation of a legislative assistant at not to exceed $34,881 per annum.

For "Offices of the Majority and Minority Whips" for the period July 1, 1976, through September 30, 1976, $46,360.

OFFICE OF THE CHAPLAIN

For office of the Chaplain, $30,200.

For "Office of the Chaplain" for the period July 1, 1976, through September 30, 1976, $7,600.

OFFICE OF THE SECRETARY

2 USC 61c.

For office of the Secretary, $3,064,575, including $216,530 required for the purpose specified and authorized by section 74b of title 2, United States Code: *Provided*, That, effective July 1, 1975, the Secretary may appoint and fix the compensation of a clerk, legislative information, at not to exceed $18,120 per annum and five clerks, stationery room, at not to exceed $12,382 per annum each in lieu of four clerks, stationery room, at not to exceed $12,382 per annum each; and the Secretary may fix the per annum compensation of the editor, digest, at not to exceed $33,522 per annum in lieu of $28,992 per annum; a clerk, digest, at not to exceed $14,194 per annum in lieu of $11,778 per annum; a bill clerk at not to exceed $18,120 per annum in lieu of $15,402 per annum; an assistant bill clerk at not to exceed $12,080 per annum in lieu of $10,872 per annum; an assistant journal clerk at not to exceed $18,120 per annum in lieu of $15,402 per annum; a special assistant at not to exceed $15,402 per annum in lieu of $14,194 per annum; a deputy special assistant at not to exceed $14,194 per annum in lieu of $12,080 per annum; seven clerks at not to exceed $11,778 per annum each in lieu of $10,268 per annum each; a delivery clerk (office of the printing clerk) at not to exceed $10,872 per annum in lieu of $10,268 per annum; an assistant messenger at not to exceed $10,268 per annum in lieu of $9,966 per annum; an assistant messenger at not to exceed $9,966 per annum in lieu of $8,758 per annum; an assistant messenger at not to exceed $9,966 per annum in lieu of $7,852 per annum; and a chief reporter of debates at not to exceed $36,089 per annum in lieu of $36,000 per annum: *Provided further*, That the position of chief elections investigator at not to exceed $28,690 per annum is hereby abolished.

2 USC 126-1.

For "Office of the Secretary" for the period July 1, 1976, through September 30, 1976, $775,000, including $55,000 required for the purpose specified and authorized by section 74b of title 2, United States Code.

COMMITTEE EMPLOYEES

For professional and clerical assistance to standing committees and the Select Committee on Small Business, $8,934,592.

For "Committee Employees" for the period July 1, 1976, through September 30, 1976, $2,235,000.

CONFERENCE COMMITTEES

For clerical assistance to the Conference of the Majority and the Conference of the Minority, at rates of compensation to be fixed by the Chairman of each such committee, $185,425 for each such committee; in all, $370,850.

For "Clerical assistance to the Conference of the Majority and the Conference of the Minority, at rates of compensation to be fixed by the Chairman of each such committee", $46,250 for each such committee; in all, for the period July 1, 1976, through September 30, 1976, $92,500.

ADMINISTRATIVE AND CLERICAL ASSISTANTS TO SENATORS

For administrative and clerical assistants to Senators, $45,642,178.

For "Administrative and Clerical Assistants to Senators" for the period July 1, 1976, through September 30, 1976, $11,450,000.

LEGISLATIVE ASSISTANCE TO SENATORS

For legislative assistance to Senators, $3,500,000.

For "Legislative Assistance to Senators" for the period July 1, 1976, through September 30, 1976, $900,000.

OFFICE OF SERGEANT AT ARMS AND DOORKEEPER

For office of the Sergeant at Arms and Doorkeeper, $13,095,160: *Provided*, That, effective July 1, 1975, the Sergeant at Arms may appoint and fix the compensation of the following positions (a) in the computer center: a director, computer center, at not to exceed $32,616 per annum and three computer specialists at not to exceed $19,328 per annum each in lieu of four computer specialists at not to exceed $19,328 per annum each; (b) in the Senate post office: sixty-seven mail carriers at not to exceed $10,570 per annum each in lieu of sixty-three mail carriers at not to exceed $10,570 per annum each; (c) in the service department: twelve messengers at not to exceed $8,758 per annum each in lieu of ten messengers at not to exceed $8,758 per annum each; (d) seven detectives, police force, at not to exceed $13,288 per annum each in lieu of four detectives, police force, at not to exceed $13,288 per annum each; sixteen technicians, police force, at not to exceed $12,382 per annum each in lieu of twelve technicians, police force, at not to exceed $12,382 per annum each; and 409 privates, police force, at not to exceed $11,476 per annum each in lieu of 389 privates, police force, at not to exceed $11,476 per annum each; (e) a clerk at not to exceed $16,308 per annum in lieu of a clerk at not to exceed $13,892 per annum; and (f) in the janitor's department: five laborers at not to exceed $4,530 per annum each in lieu of six laborers at not to exceed $4,530 per annum each: *Provided further*, That, the two positions of special employee at not to exceed $1,510 per annum each are hereby abolished.

For "Office of Sergeant at Arms and Doorkeeper" for the period July 1, 1976, through September 30, 1976, $3,275,000.

OFFICES OF THE SECRETARIES FOR THE MAJORITY AND MINORITY

2 USC 61g-3.

For offices of the Secretary for the Majority and the Secretary for the Minority, $296,245: *Provided*, That, effective July 1, 1975, and each fiscal year thereafter, the Secretaries for the Majority and Minority may each appoint and fix the compensation of an assistant during emergencies at rates of compensation not exceeding, in the aggregate at any time, $20,234 per annum, for not more than six months in each fiscal year.

For "Offices of the Secretaries for the Majority and Minority" for the period July 1, 1976, through September 30, 1976, $74,100.

AGENCY CONTRIBUTIONS AND LONGEVITY COMPENSATION

For agency contributions for employee benefits and longevity compensation, as authorized by law, $4,750,000.

For "Agency Contributions and Longevity Compensation" for the period July 1, 1976, through September 30, 1976, $1,200,000.

OFFICE OF THE LEGISLATIVE COUNSEL OF THE SENATE

For salaries and expenses of the office of the Legislative Counsel of the Senate, $584,110.

For "Office of the Legislative Counsel of the Senate" for the period July 1, 1976, through September 30, 1976, $147,000.

CONTINGENT EXPENSES OF THE SENATE

SENATE POLICY COMMITTEES

For salaries and expenses of the Majority Policy Committee and the Minority Policy Committee, $369,055 for each such committee; in all, $738,110.

For "Senate Policy Committees", $92,500 for each such committee; in all, for the period July 1, 1976, through September 30, 1976, $185,000.

AUTOMOBILES AND MAINTENANCE

For purchase, lease, exchange, maintenance, and operation of vehicles, one for the Vice President, one for the President pro tempore, one for the Majority Leader, one for the Minority Leader, one for the Majority Whip, one for the Minority Whip, for carrying the mails, and for official use of the offices of the Secretary and Sergeant at Arms, $40,000.

For "Automobiles and Maintenance", for purchase, lease, exchange, maintenance, and operation of vehicles, one for the Vice President, one for the President pro tempore, one for the Majority Leader, one for the Minority Leader, one for the Majority Whip, one for the Minority Whip, for carrying the mails, and for official use of the offices of the Secretary and Sergeant at Arms for the period July 1, 1976, through September 30, 1976, $10,000.

INQUIRIES AND INVESTIGATIONS

For expenses of inquiries and investigations ordered by the Senate, or conducted pursuant to section 134(a) of Public Law 601, Seventy-

ninth Congress, as amended, including $570,180 for the Committee on Appropriations, to be available also for the purposes mentioned in Senate Resolution Numbered 193, agreed to October 14, 1943, and Senate Resolution Numbered 140, agreed to May 14, 1975, $17,654,500. 2 USC 190b.

For "Inquiries and Investigations", including $143,000 for the Committee on Appropriations, to be available also for the purposes mentioned in Senate Resolution Numbered 193, agreed to October 14, 1943, and Senate Resolution Numbered 140, agreed to May 14, 1975, for the period July 1, 1976, through September 30, 1976, $4,415,000.

FOLDING DOCUMENTS

For the employment of personnel for folding speeches and pamphlets at a gross rate of not exceeding $3.88 per hour per person, $86,575.

For "Folding Documents", for the employment of personnel for folding speeches and pamphlets at a gross rate of not exceeding $3.88 per hour per person, for the period July 1, 1976, through September 30, 1976, $40,000.

MISCELLANEOUS ITEMS

For miscellaneous items, $14,184,000.

For "Miscellaneous Items" for the period July 1, 1976, through September 30, 1976, $3,550,000.

POSTAGE STAMPS

For postage stamps for the offices of the Secretaries for the Majority and Minority, $320; Chaplain, $100; and for air mail and special delivery stamps for the office of the Secretary, $610; office of the Sergeant at Arms, $240; and the President of the Senate, as authorized by law, $1,215; in all, $2,485.

For "Postage Stamps", for the offices of the Secretaries for the Majority and Minority, $80; Chaplain, $25; and for air mail and special delivery stamps for the office of the Secretary, $155; office of the Sergeant at Arms, $60; and the President of the Senate, as authorized by law, $305; in all, for the period July 1, 1976, through September 30, 1976, $625.

STATIONERY (REVOLVING FUND)

For stationery for the President of the Senate, $4,500, and for committees and officers of the Senate, $24,750; in all, $29,250.

For "Stationery (Revolving Fund)", for the President of the Senate, $1,125, and for committees and officers of the Senate, $6,200; in all, for the period July 1, 1976, through September 30, 1976, $7,325.

ADMINISTRATIVE PROVISIONS

SEC. 101. For the purpose of carrying out his duties, the Secretary of the Senate is authorized to incur official travel expenses but such expenditures shall not exceed $5,000 during any fiscal year. The Secretary of the Senate is authorized to advance, in his discretion, to any designated employee under his jurisdiction, such sums as may be necessary, not exceeding $1,000, to defray official travel expenses in assisting the Secretary in carrying out his duties. Any such employee shall, as soon as practicable, furnish to the Secretary a detailed voucher for such expenses incurred and make settlement with respect to any amount so advanced. Payments to carry out the provisions of this paragraph shall be made from funds included in the appropriation "Miscellaneous 2 USC 61a-9a.

Items" under the heading "Contingent Expenses of the Senate" upon vouchers approved by the Secretary of the Senate.

SEC. 102. Effective July 1, 1975, the first sentence of section 105(d)(1)(A) of the Legislative Branch Appropriation Act, 1968, as amended and modified, is amended to read as follows: "The aggregate of gross compensation paid employees in the office of a Senator shall not exceed during each calendar year the following:

2 USC 61-1.

"$392,298 if the population of his State is less than 2,000,000;
"$404,076 if such population is 2,000,000 but less than 3,000,000;
"$432,464 if such population is 3,000,000 but less than 4,000,000;
"$469,006 if such population is 4,000,000 but less than 5,000,000;
"$498,904 if such population is 5,000,000 but less than 7,000,000;
"$530,312 if such population is 7,000,000 but less than 9,000,000;
"$564,438 if such population is 9,000,000 but less than 10,000,000;
"$590,712 if such population is 10,000,000 but less than 11,000,000;
"$625,140 if such population is 11,000,000 but less than 12,000,000;
"$651,414 if such population is 12,000,000 but less than 13,000,000;
"$684,936 if such population is 13,000,000 but less than 15,000,000;
"$718,458 if such population is 15,000,000 but less than 17,000,000;
"$751,980 if such population is 17,000,000 but less than 19,000,000;
"$777,050 if such population is 19,000,000 but less than 21,000,000;
"$802,120 if such population is 21,000,000 or more.".

SEC. 103. Section 506 of the Supplemental Appropriations Act, 1973 (2 U.S.C. 58), is amended—

(1) by striking out "actual transportation expenses incurred by employees" in subsection (a)(8) and inserting in lieu thereof "travel expenses incurred by employees"; and

(2) by striking out subsection (e) and inserting in lieu thereof the following:

"(e) In accordance with regulations prescribed by the Committee on Rules and Administration, an employee in a Senator's office including employees authorized by Senate Resolution 60, 94th Congress, agreed to June 12, 1975, and section 108 of this title shall be reimbursed under this section for per diem and actual transportation expenses incurred, or actual travel expenses incurred, only for round trips made by the employee on official business by the nearest usual route between Washington, District of Columbia, and the home State of the Senator involved, and in traveling within the State (other than transportation expenses incurred by an employee assigned to a Senator's office within that State (1) while traveling in the general vicinity of such office, (2) pursuant to a change of assignment within such State, or (3) in commuting between home and office). However, an employee shall not be reimbursed for any per diem expenses or actual travel expenses (other than actual transportation expenses) for any travel occurring during the sixty days immediately before the date of any primary or general election (whether regular, special, or runoff) in which the Senator, in whose office the employee is employed, is a candidate for public office, unless his candidacy in such election is uncontested. Reimbursement of per diem and actual travel expenses shall not exceed the

Post, p. 276.

rates established in accordance with the seventh paragraph under the heading 'Administrative Provisions' in the Senate appropriation in the Legislative Branch Appropriation Act, 1957 (2 U.S.C. 68b). No payment shall be made under this section to or on behalf of a newly appointed employee to travel to his place of employment. This section shall be effective July 1, 1975.". Effective date.

SEC. 104. Notwithstanding any other provision of law, the Committee on Government Operations is authorized, during fiscal year 1976, and the transition period, July 1, 1976, through September 30, 1976, to employ one additional professional staff member at a per annum rate not to exceed the rate for one of the four professional staff members referred to in section 105(e)(3)(A) of the Legislative Branch Appropriations Act, 1968, as amended and modified. 2 USC 61-1.

SEC. 105. The Secretary of the Senate, the Sergeant at Arms and Doorkeeper of the Senate, and the Legislative Counsel of the Senate shall each be paid at an annual rate of compensation of $40,000. The Secretary for the Majority (other than the incumbent holding office on July 1, 1975) and the Secretary for the Minority shall each be paid at an annual rate of compensation of $39,500. The Secretary for the Majority (as long as that position is occupied by such incumbent) may be paid at a maximum annual rate of compensation not to exceed $39,500. The four Senior Counsels in the Office of the Legislative Counsel of the Senate shall each be paid at an annual rate of compensation of $39,000. The Assistant Secretary of the Senate, the Parliamentarian, and the Financial Clerk may each be paid at a maximum annual rate of compensation not to exceed $39,000. The Administrative Assistant in the Office of the Majority Leader and the Administrative Assistant in the Office of the Minority Leader may each be paid at a maximum annual rate of compensation not to exceed $38,000. The Assistant Secretary for the Majority and the Assistant Secretary for the Minority may each be paid at a maximum annual rate of compensation not to exceed $37,500. The Administrative Assistant in the Office of the Majority Whip and the Administrative Assistant in the Office of the Minority Whip may each be paid at a maximum annual rate of compensation not to exceed $37,000. The Legislative Assistant in the Office of the Majority Leader, and the Legislative Assistant in the Office of the Minority Leader, the Assistant to the Majority and the Assistant to the Minority in the Office of the Secretary of the Senate may each be paid a maximum annual rate of compensation not to exceed $36,500. The two committee employees referred to in clause (A), and the three committee employees referred to in clause (B), of section 105(e)(3) of the Legislative Branch Appropriations Act, 1968, as amended and modified, whose salaries are appropriated under the heading "Salaries, Officers and Employees" for "Committee Employees" for the Senate during any fiscal year, may each be paid at a maximum annual rate of compensation not to exceed $38,000, except that the Committee on Commerce is authorized to pay two employees, in addition to the two employees referred to in clause (A) of such section, at such maximum annual rate of compensation during the fiscal year ending June 30, 1976, and the transition period ending September 30, 1976. The two committee employees, other than joint committee employees, referred to in clause (A) of section 105(e)(3) of such Act whose salaries are not appropriated under such heading may each be paid at a maximum annual rate of compensation not to exceed $37,500, except, that the two employees of the majority policy committee and the two employees of the minority policy committee referred to in

2 USC 61a, 61e, 63a, 273.

2 USC 61g.

2 USC 274 note.

2 USC 61a-3, 61b, 64a-1.

2 USC 61h-1.

2 USC 61h.

2 USC 61j.

2 USC 61h-2.

2 USC 61c-2.

2 USC 61-1.

2 USC 61-1.

clause (A) of section 105(e)(3) of such Act may each be paid at a maximum annual rate of compensation not to exceed $38,000. The one employee in a Senator's office referred to in section 105(d)(2)(ii) of such Act may be paid at a maximum annual rate of compensation not to exceed $38,000. Any officer or employee whose pay is subject to the maximum limitation referred to in section 105(f) of such Act may be paid at a maximum annual rate of compensation not to exceed $38,000. This section does not supersede (1) any provision of an order of the President pro tempore of the Senate authorizing a higher rate of compensation, and (2) any authority of the President pro tempore to adjust rates of compensation or limitations referred to in this paragraph under section 4 of the Federal Pay Comparability Act of 1970. This section is effective July 1, 1975.

2 USC 60a note.
Effective date.

SEC. 106. (a) Section 3 under the heading "Administrative Provisions" in the appropriation for the Senate in the Legislative Branch Appropriations Act, 1975, is amended by inserting "(1)" immediately before the text of subsection (c) and by adding immediately below subsection (c) the following:

2 USC 59.

"(2) The aggregate amount that may be paid for the acquisition of furniture, equipment, and other office furnishings heretofore provided by the Administrator of General Services for one or more offices secured for the Senator is $20,500 if the aggregate square feet of office space is not in excess of 4,800 square feet. Such amount is increased by $500 for each authorized additional incremental increase in office space of 200 square feet.".

Effective date.
2 USC 59 note.

(b) The amendment made by subsection (a) of this section is effective on and after July 1, 1975.

SEC. 107. Section 3 under the heading "Administrative Provisions" in the appropriation for the Senate in the Legislative Branch Appropriations Act, 1975, is amended by inserting "(1)" immediately before the text of subsection (a) and by adding immediately below subsection (a) the following:

2 USC 59.

"(2) The Senator may lease, on behalf of the United States Senate, the office space so secured for a term not in excess of one year. A copy of each such lease shall be furnished to the Sergeant at Arms. Nothing in this paragraph shall be construed to require the Sergeant at Arms to enter into or execute any lease for or on behalf of a Senator.".

2 USC 72a-1c.

SEC. 108. (a) Pursuant to section 2 of Senate Resolution 60, 94th Congress, agreed to June 12, 1975, and subject to the requirements of this section, each Senator serving on a committee is authorized to hire staff for the purpose of assisting him in connection with his membership on one or more committees on which he serves as follows:

(1) A Senator serving on one or more standing committees named in paragraph 2 of Rule XXV of the Standing Rules of the Senate shall receive, for each such committee as he designates, up to a maximum of two such committees, an amount equal to the amount referred to in section 105(e)(1) of the Legislative Branch Appropriation Act, 1968, as amended and modified.

2 USC 61-1.

(2) A Senator serving on one or more standing committees named in paragraph 3 of Rule XXV of the Standing Rules of the Senate or, in the case of a Senator serving on more than two committees named in paragraph 2 of that Rule but on none of the committees named in paragraph 3 of that Rule; select and special committees of the Senate; and joint committees of the Congress shall receive for one of such committees which he designates, an amount equal to the amount referred to in section 105(e)(1) of

the Legislative Branch Appropriation Act, 1968, as amended and modified. 2 USC 61-1.

(b)(1) Each of the amounts referred to in subsection (a)(1) shall be reduced, in the case of a Senator who is—

(A) the chairman or ranking minority member of any of the two committees designated by the Senator under subsection (a)(1);

(B) the chairman or ranking minority member of any subcommittee of either of such committees that receives funding to employ staff assistance separately from the funding authority for staff of the committee; or

(C) authorized by the committee, a subcommittee thereof, or the chairman of the committee or subcommittee, as appropriate, to recommend or approve the appointment to the staff of such committee or subcommittee of one or more individuals for the purpose of assisting such Senator in his duties as a member of such committee or subcommittee,

by an amount equal to the aggregate annual gross rates of compensation of all staff employees of that committee or subcommittee (i) whose appointment is made, approved, or recommended and (ii) whose continued employment is not disapproved by such Senator if such employees are employed for the purpose of assisting such Senator in his duties as chairman, ranking minority member, or member of such committee or subcommittee thereof as the case may be, or to the amount referred to in section 105(e)(1) of such Act, whichever is less.

(2) The amount referred to in subsection (a)(2) shall be reduced in the case of any Senator by an amount equal to the aggregate annual gross rates of compensation of all staff employees (i) whose appointment to the staff of any committee referred to in subsection (a)(2), or subcommittee thereof, is made, approved, or recommended and (ii) whose continued employment is not disapproved by such Senator if such employees are employed for the purpose of assisting such Senator in his duties as chairman, ranking minority member, or member of such committee or subcommittee thereof as the case may be, or an amount equal to the amount referred to in section 105(e)(1) of such Act, whichever is less.

(c) An employee appointed under this section shall be designated as such and certified by the Senator who appoints him to the chairmen and ranking minority members of the appropriate committee or committees as designated by such Senator and shall be accorded all privileges of a professional staff member (whether permanent or investigatory) of such committee or committees including access to all committee sessions and files, except that any such committee may restrict access to its sessions to one staff member per Senator at a time and require, if classified material is being handled or discussed, that any staff member possess the appropriate security clearance before being allowed access to such material or to discussion of it.

(d) An employee appointed under this section shall not receive compensation in excess of that provided for an employee under section 105(e)(1) of the Legislative Branch Appropriations Act, 1968, as amended and modified. 2 USC 61-1.

(e) The aggregate of payments of gross compensation made to employees under this section during each fiscal year shall not exceed at any time during such fiscal year one-twelfth of the total amount to which the Senator is entitled under this section (after application of the reductions required under subsection (b)) multiplied by the num-

ber of months (counting a fraction of a month as a month) elapsing from the first month in that fiscal year in which the Senator holds the office of Senator through the end of the current month for which the payment of gross compensation is to be made. In any fiscal year in which a Senator does not hold the office of Senator at least part of each month of that year, the aggregate amount available for gross compensation of employees under this section shall be the total amount to which the Senator is entitled under this section (after application of the reductions required under subsection (b)) divided by 12, and multiplied by the number of months the Senator holds such office during that fiscal year, counting any fraction of a month as a full month.

Effective date.

(f) This section is effective on and after July 1, 1975.

TITLE II

HOUSE OF REPRESENTATIVES

Payments to Widows and Heirs of Deceased Members of Congress

For payment to Stephanie Estelle Kluczynski, widow of John C. Kluczynski, late a Representative from the State of Illinois, $42,500.

For payment to Shirley Neal Pettis, widow of Jerry L. Pettis, late a Representative from the State of California, $42,500.

Compensation and Mileage for the Members

COMPENSATION OF MEMBERS

For compensation of Members, as authorized by law (wherever used herein the term "Member" shall include Members of the House of Representatives, the Resident Commissioner from Puerto Rico, the Delegate from the District of Columbia, the Delegate from Guam, and the Delegate from the Virgin Islands), $20,494,120.

For "Compensation of Members" for the period July 1, 1976, through September 30, 1976, $5,123,530.

MILEAGE OF MEMBERS

For mileage of Members, as authorized by law, $210,000.

For "Mileage of Members" for the period July 1, 1976, through September 30, 1976, $52,500.

House Leadership Offices

For salaries and expenses, as authorized by law, $1,155,335, including: Office of the Speaker, $333,000, including $10,000 for official expenses of the Speaker; Office of the Majority Floor Leader, $240,965, including $3,000 for official expenses of the Majority Leader; Minority Floor Leader, $183,650, including $3,000 for official expenses of the Minority Leader; Majority Whip, $198,860, including not to exceed $44,225 for the Chief Deputy Majority Whip; Minority Whip, $198,860, including not to exceed $44,225 for the Chief Deputy Minority Whip.

For "House leadership offices" for the period July 1, 1976, through September 30, 1976, $288,840, including: Office of the Speaker, $83,250, including $2,500 for official expenses of the Speaker; Office of the Majority Floor Leader, $60,245, including $750 for official expenses of the Majority Leader; Minority Floor Leader, $45,915, including

$750 for official expenses of the Minority Leader; Majority Whip, $49,715, including not to exceed $11,060 for the Chief Deputy Majority Whip; Minority Whip, $49,715, including not to exceed $11,060 for the Chief Deputy Minority Whip.

SALARIES, OFFICERS AND EMPLOYEES

For compensation and expenses of officers and employees, as authorized by law, $19,453,315, including: Office of the Clerk, $4,151,245; Office of the Sergeant at Arms, $8,557,145; Office of the Doorkeeper, $3,330,860; Office of the Postmaster, $1,056,695; including $17,772 for employment of substitute messengers and extra services of regular employees when required at the salary rate of not to exceed $9,561 per annum each; Office of the Chaplain, $19,770; Office of the Parliamentarian, including the Parliamentarian and $2,000 for preparing the Digest of the Rules, $220,000; for compiling the precedents of the House of Representatives, $235,000; Official Reporters of Debates, $478,060; Official Reporters to Committees, $549,540; two printing clerks, one for the majority appointed by the majority leader and one for the minority appointed by the minority leader, $28,420 to be equally divided; a technical assistant in the Office of the Attending Physician, to be appointed by the Attending Physician subject to the approval of the Speaker, $25,540; the House Democratic Steering Committee, $292,520; the House Republican Conference, $292,520; and six minority employees, $216,000.

Such amounts as deemed necessary for the payment of salaries of officers and employees within this appropriation may be transferred among offices upon the approval of the Committee on Appropriations of the House of Representatives.

For "Salaries, officers and employees" for the period July 1, 1976, through September 30, 1976, $4,863,365, including: Office of the Clerk, $1,037,815; Office of the Sergeant at Arms, $2,139,290; Office of the Doorkeeper, $832,715; Office of the Postmaster, $264,175, including $4,443 for employment of substitute messengers and extra services of regular employees when required at the salary rate of not to exceed $9,561 per annum each; Office of the Chaplain, $4,950; Office of the Parliamentarian, including the Parliamentarian and $500 for preparing the Digest of the Rules, $55,000; for compiling the precedents of the House of Representatives, $58,750; Official Reporters of Debates, $119,520; Official Reporters to Committees, $137,390; two printing clerks, one for the majority appointed by the majority leader and one for the minority appointed by the minority leaders, $7,110 to be equally divided; a technical assistant in the Office of the Attending Physician, to be appointed by the Attending Physician subject to the approval of the Speaker, $6,390; the House Democratic Steering Committee, $73,130; the House Republican Conference, $73,130; and six minority employees, $54,000.

Such amounts as deemed necessary for the payment of salaries of officers and employees within this appropriation for the period July 1, 1976, through September 30, 1976, may be transferred among offices upon the approval of the Committee on Appropriations of the House of Representatives.

COMMITTEE EMPLOYEES

For professional and clerical employees of standing committees, including the Committee on Appropriations and the Committee on the Budget, $20,766,000.

For "Committee employees" for the period July 1, 1976, through September 30, 1976, $5,191,500.

COMMITTEE ON APPROPRIATIONS (STUDIES AND INVESTIGATIONS)

For salaries and expenses, studies and examinations of executive agencies, by the Committee on Appropriations, and temporary personal services for such committee, to be expended in accordance with section 202(b) of the Legislative Reorganization Act, 1946, and to be available for reimbursement to agencies for services performed, $2,274,000.

2 USC 72a.

For "Committee on Appropriations (studies and investigations)" for the period July 1, 1976, through September 30, 1976, $571,000.

COMMITTEE ON THE BUDGET (STUDIES)

For salaries, expenses, and studies by the Committee on the Budget, and temporary personal services for such committee to be expended in accordance with sections 101(c), 606, 703 and 901(e), of the Congressional Budget Act of 1974, and to be available for reimbursement to agencies for services performed, $354,000.

88 Stat. 300.
31 USC 11b, 1303.

For "Committee on the Budget (studies)" for the period July 1, 1976, through September 30, 1976, $88,500.

88 Stat. 330.

OFFICE OF THE LAW REVISION COUNSEL

For salaries and expenses of the Office of the Law Revision Counsel of the House, $340,000.

For "Office of the Law Revision Counsel" for the period July 1, 1976, through September 30, 1976, $85,000.

OFFICE OF THE LEGISLATIVE COUNSEL

For salaries and expenses of the Office of the Legislative Counsel of the House, $1,165,000.

For "Office of the Legislative Counsel" for the period July 1, 1976, through September 30, 1976, $291,250.

MEMBERS' CLERK HIRE

For staff employed by each Member in the discharge of his official and representative duties, $85,000,000.

For "Members' clerk hire" for the period July 1, 1976, through September 30, 1976, $21,250,000.

CONTINGENT EXPENSES OF THE HOUSE

MISCELLANEOUS ITEMS

For miscellaneous items, exclusive of salaries unless specifically ordered by the House of Representatives, for purchase, exchange, operation, maintenance, and repair of House motor vehicles (the Clerk's automobile and motor trucks, the Sergeant at Arms' automobile, the Post Office motor vehicle, and the Publications Distribution Service motor truck); and not to exceed $5,000 for the purposes authorized by section 1 of House Resolution 348, approved June 29, 1961, $15,265,600.

For "Miscellaneous items" for the period July 1, 1976, through September 30, 1976, $3,816,400.

TELEGRAPH AND TELEPHONE

For telegraph and telephone service, exclusive of personal services, $6,500,000.

For "Telegraph and telephone" for the period July 1, 1976, through September 30, 1976, $1,700,000.

STATIONERY (REVOLVING FUND)

For a stationery allowance for each Member for the second session of the Ninety-fourth Congress, as authorized by law, $2,853,500, to remain available until expended.

POSTAGE STAMP ALLOWANCES

Postage stamp allowances for the second session of the Ninety-fourth Congress, as authorized by law, $525,155.

GOVERNMENT CONTRIBUTIONS

For contributions to employees life insurance fund, retirement fund, and health benefits fund, as authorized by law, $8,000,000, and in addition, such amounts as may be necessary may be transferred from the appropriation "Miscellaneous items".

For "Government contributions" for the period July 1, 1976, through September 30, 1976, $2,000,000, and in addition, such amounts as may be necessary may be transferred from the appropriation "Miscellaneous items".

SPECIAL AND SELECT COMMITTEES

For salaries and expenses of special and select committees authorized by the House, $20,000,000.

For "Special and select committees" for the period July 1, 1976, through September 30, 1976, $5,000,000.

REPORTING HEARINGS

For stenographic reports of hearings of committees, including special and select committees, $775,000.

For "Reporting hearings" for the period July 1, 1976, through September 30, 1976, $193,750.

FURNITURE

For purchase and repair of furniture, carpets and draperies, including supplies, tools and equipment for repair shops; and for purchase of packing boxes, $1,123,000.

For "Furniture" for the period July 1, 1976, through September 30, 1976, $158,000.

LEADERSHIP AUTOMOBILES

For purchase, exchange, hire, driving, maintenance, repair, and operation of automobiles for the leadership of the House of Representatives, including one each for the Speaker, the Majority Leader, and the Minority Leader, $68,460.

For "Leadership automobiles" for the period July 1, 1976, through September 30, 1976, $17,115, for purchase, exchange, hire, driving, maintenance, repair, and operation of automobiles for the leadership of the House of Representatives, including one each for the Speaker, the Majority Leader, and the Minority Leader.

ADMINISTRATIVE PROVISIONS

2 USC 43b-2, 43b-3.
40 USC 175 note.
40 USC 206a-1, 206a-2, 206a-3.

SEC. 201. The provisions of House Resolution 10, Ninety-fourth Congress, relating to staff travel for early organization caucuses or conferences; House Resolution 208, Ninety-fourth Congress, providing for additional parking facilities for the House of Representatives; House Resolution 360, Ninety-fourth Congress, establishing seventy-three additional positions on the Capitol Police Force for duty under the House of Representatives; and House Resolution 413, Ninety-fourth Congress, providing for additional staff assistance for the leadership of the House of Representatives, shall be the permanent law with respect thereto.

TITLE III

JOINT ITEMS

For joint committees, as follows:

CONTINGENT EXPENSES OF THE SENATE

JOINT ECONOMIC COMMITTEE

For salaries and expenses of the Joint Economic Committee, $1,168,000.

For "Joint Economic Committee" for the period July 1, 1976, through September 30, 1976, $292,000.

JOINT COMMITTEE ON ATOMIC ENERGY

For salaries and expenses of the Joint Committee on Atomic Energy, $632,000.

For "Joint Committee on Atomic Energy" for the period July 1, 1976, through September 30, 1976, $158,000.

JOINT COMMITTEE ON PRINTING

For salaries and expenses of the Joint Committee on Printing, $447,650.

For "Joint Committee on Printing" for the period July 1, 1976, through September 30, 1976, $111,910.

AMERICAN INDIAN POLICY REVIEW COMMISSION

For salaries and expenses of the American Indian Policy Review Commission necessary to carry out the provisions of Public Law 93-580, $1,500,000.

For "American Indian Policy Review Commission" for the period July 1, 1976, through September 30, 1976, $300,000.

CONTINGENT EXPENSES OF THE HOUSE

JOINT COMMITTEE ON INTERNAL REVENUE TAXATION

For salaries and expenses of the Joint Committee on Internal Revenue Taxation, $1,324,380.

For "Joint Committee on Internal Revenue Taxation" for the period July 1, 1976, through September 30, 1976, $331,095.

JOINT COMMITTEE ON DEFENSE PRODUCTION

For salaries and expenses of the Joint Committee on Defense Production, $160,465: *Provided*, That this appropriation shall be available only upon the enactment into law of authorizing legislation.

For "Joint Committee on Defense Production" for the period July 1, 1976, through September 30, 1976, $40,120: *Provided*, That this appropriation shall be available only upon the enactment into law of authorizing legislation.

JOINT COMMITTEE ON CONGRESSIONAL OPERATIONS

For salaries and expenses of the Joint Committee on Congressional Operations, including the Office of Placement and Office Management, $635,000.

For "Joint Committee on Congressional Operations" for the period July 1, 1976, through September 30, 1976, $158,750.

For other joint items, as follows:

OFFICE OF THE ATTENDING PHYSICIAN

For medical supplies, equipment, and contingent expenses of the emergency rooms, and for the Attending Physician and his assistants, including (1) an allowance of $1,000 per month to the Attending Physician; (2) an allowance of $600 per month to one senior medical officer while on duty in the Attending Physician's office; (3) an allowance of $200 per month each to two medical officers while on duty in the Attending Physician's office; (4) an allowance of $200 per month each to not exceed eight assistants on the basis heretofore provided for such assistance; and (5) $175,285, for reimbursement to the Department of the Navy for expenses incurred for staff and equipment assigned to the Office of the Attending Physician, such amount shall be advanced and credited to the applicable appropriation or appropriations from which such salaries, allowances, and other expenses are payable and shall be available for all the purposes thereof, $288,485.

For "Office of the Attending Physician" for the period July 1, 1976, through September 30, 1976, $72,125, including $43,821 for reimbursement to the Department of the Navy for expenses incurred for staff and equipment assigned to the Office of the Attending Physician, such amount shall be advanced and credited to the applicable appropriation or appropriations from which such salaries, allowances, and other expenses are payable and shall be available for all the purposes thereof.

OFFICE OF THE ATTENDING PHYSICIAN REVOLVING FUND

Effective the first of the month following approval of this Act, there is established in the Treasury of the United States a revolving fund for the Office of the Attending Physician. The amount on deposit in the suspense fund maintained by the Clerk of the House for the Attending Physician's receipts on the effective date of this Act shall constitute the capital of the fund. All moneys thereafter received by the Office of the Attending Physician from the sale of drugs or from any other source shall be deposited in such fund; and moneys in such

fund shall be available without fiscal year limitation for the purchase of drugs for resale by the Office of the Attending Physician. An adequate system of accounts for the revolving fund shall be maintained and financial reports prepared on the basis of such accounts by the Office of the Attending Physician. The activities of the office shall be subject to audit by the General Accounting Office and reports of such audits shall be furnished to the Speaker of the House, to the President of the Senate, to the appropriate committees of Congress, and to the Clerk of the House. The Comptroller General, or any of his duly authorized representatives, shall have access for the purpose of audit and examination to such documents, papers and records of the Office of the Attending Physician as he may deem necessary.

The net profit established by the General Accounting Office audit, after restoring any impairment of capital, shall be transferred to the general fund of the Treasury.

CAPITOL POLICE

GENERAL EXPENSES

For purchasing and supplying uniforms; the purchase, maintenance, and repair of police motor vehicles, including two-way police radio equipment; contingent expenses, including advance payment for travel for training purposes as approved by the Chairman of the Capitol Police Board, and including $40 per month for extra services performed for the Capitol Police Board by such member of the staff of the Sergeant at Arms of the Senate or the House as may be designated by the Chairman of the Board, $564,820.

For "Capitol police—general expenses" for the period July 1, 1976, through September 30, 1976, $92,305, including $40 per month for extra services performed for the Capitol Police Board by such member of the staff of the Sergeant at Arms of the Senate or the House as may be designated by the Chairman of the Board.

CAPITOL POLICE BOARD

To enable the Capitol Police Board to provide additional protection for the Capitol Buildings and Grounds, including the Senate and House Office Buildings and the Capitol Power Plant, $1,400,345. Such sum shall be expended only for payment of salaries and other expenses of personnel detailed from the Metropolitan Police of the District of Columbia, and the Mayor of the District of Columbia is authorized and directed to make such details upon the request of the Board. Personnel so detailed shall, during the period of such detail, serve under the direction and instructions of the Board and are authorized to exercise the same authority as members of such Metropolitan Police and members of the Capitol Police and to perform such other duties as may be assigned by the Board. Reimbursement for salaries and other expenses of such detail personnel shall be made to the Government of the District of Columbia, and any sums so reimbursed shall be credited to the appropriation or appropriations from which such salaries and expenses are payable and shall be available for all the purposes thereof: *Provided*, That any person detailed under the authority of this paragraph or under similar authority in the Legislative Branch Appropriation Act, 1942, and the Second Deficiency Appropriation Act, 1940, from the Metropolitan Police of the District of Columbia shall be deemed a member of such Metropolitan Police

Detailed personnel.

D.C. Code 9-126a.

55 Stat. 456.
54 Stat. 629.

during the period or periods of any such detail for all purposes of rank, pay, allowances, privileges, and benefits to the same extent as though such detail had not been made, and at the termination thereof any such person shall have a status with respect to rank, pay, allowances, privileges, and benefits which is not less than the status of such person in such police at the end of such detail: *Provided further*, That the Mayor of the District of Columbia is directed (1) to pay the assistant chief detailed under the authority of this paragraph and serving as Chief of the Capitol Police, the salary of assistant chief plus $2,000 and such increases in basic compensation as may be subsequently provided by law so long as this position is held by the present incumbent, (2) to pay the two deputy chiefs detailed under the authority of this paragraph and serving as assistants to the Chief of the Capitol Police the salary of deputy chief and such increases in basic compensation as may be subsequently provided by law so long as these positions are held by the present incumbents, (3) to elevate and pay the captain detailed under the authority of this paragraph the rank and salary of inspector and such increases in basic compensation as may be subsequently provided by law so long as this position is held by the present incumbent, (4) to elevate and pay the lieutenant detailed under the authority of this paragraph the rank and salary of captain and such increases in basic compensation as may be subsequently provided by law so long as this position is held by the present incumbent, (5) to pay the captain detailed under the authority of this paragraph the salary of captain plus $1,625 and such increases in basic compensation as may be subsequently provided by law so long as this position is held by the present incumbent, (6) to pay the lieutenant detailed under the authority of this paragraph the salary of lieutenant and such increases in basic compensation as may be subsequently provided by law so long as this position is held by the present incumbent, (7) to elevate and pay the acting lieutenant detailed under the authority of this paragraph the rank and salary of lieutenant and such increases in basic compensation as may be subsequently provided by law so long as this position is held by the present incumbent, (8) to elevate and pay the two detectives, grade 2, detailed under the authority of this paragraph the rank and salary of detective sergeant and such increases in basic compensation as may be subsequently provided by law so long as these positions are held by the present incumbents, (9) to pay the two detective sergeants detailed under the authority of this paragraph the salary of detective sergeant and such increases in basic compensation as may be subsequently provided by law so long as these positions are held by the present incumbents, (10) to pay the four sergeants of the uniform force detailed under the authority of this paragraph the salary of sergeant and such increases in basic compensation as may be subsequently provided by law so long as these positions are held by the present incumbents.

No part of any appropriation contained in this Act shall be paid as compensation to any person appointed after June 30, 1935, as an officer or member of the Capitol Police who does not meet the standards to be prescribed for such appointees by the Capitol Police Board: *Provided*, That the Capitol Police Board is hereby authorized to detail police from the House Office, Senate Office, and Capitol Buildings for police duty on the Capitol Grounds and on the Library of Congress Grounds.

For "Capitol Police Board" for the period July 1, 1976, through September 30, 1976, $350,090.

EDUCATION OF PAGES

For education of congressional pages and pages of the Supreme Court, pursuant to part 9 of title IV of the Legislative Reorganization Act, 1970, and section 243 of the Legislative Reorganization Act, 1946, $186,615, which amount shall be advanced and credited to the applicable appropriation of the District of Columbia, and the Board of Education of the District of Columbia is hereby authorized to employ such personnel for the education of pages as may be required and to pay compensation for such services in accordance with such rates of compensation as the Board of Education may prescribe.

2 USC 88b-1 and note.
40 USC 184a.
2 USC 88a.
D.C. Code 31-121.

For "Education of pages" for the period July 1, 1976, through September 30, 1976, $46,660.

OFFICIAL MAIL COSTS

For expenses necessary for official mail costs pursuant to title 39, U.S.C., section 3216, $46,101,000, to be available immediately on enactment of this Act.

For "Official mail costs" for the period July 1, 1976, through September 30, 1976, $11,525,000.

The foregoing amounts under "other joint items" shall be disbursed by the Clerk of the House.

CAPITOL GUIDE SERVICE

For salaries and expenses of the Capitol Guide Service, $374,350, to be disbursed by the Secretary of the Senate: *Provided*, That none of these funds shall be used to employ more than twenty-eight individuals.

For "Capitol Guide Service" for the period July 1, 1976, through September 30, 1976, $93,600, to be disbursed by the Secretary of the Senate: *Provided*, That none of these funds shall be used to employ more than twenty-eight individuals.

STATEMENTS OF APPROPRIATIONS

For the preparation, under the direction of the Committees on Appropriations of the Senate and House of Representatives, of the statements for the first session of the Ninety-fourth Congress, showing appropriations made, indefinite appropriations, and contracts authorized, together with a chronological history of the regular appropriation bills as required by law, $13,000, to be paid to the persons designated by the chairman of such committees to supervise the work.

For "Statements of appropriations" for the period July 1, 1976, through September 30, 1976, $3,250.

TITLE IV

OFFICE OF TECHNOLOGY ASSESSMENT

SALARIES AND EXPENSES

For salaries and expenses necessary to carry out the provisions of the Technology Assessment Act of 1972 (Public Law 92-484), $6,050,000: *Provided*, That not to exceed $435,000 of the funds remain-

2 USC 471 note.

ing unobligated as of June 30, 1975, shall be merged with and also be available for the general purposes of this appropriation.

For "Salaries and expenses" for the period July 1, 1976, through September 30, 1976, $1,512,000.

TITLE V

ARCHITECT OF THE CAPITOL

Office of the Architect of the Capitol

SALARIES

For the Architect of the Capitol; the Assistant Architect of the Capitol; the Executive Assistant; and other personal services; at rates of pay provided by law, $1,578,100.

For "Salaries, Office of the Architect of the Capitol" for the period July 1, 1976, through September 30, 1976, $425,000.

Appropriations under the control of the Architect of the Capitol shall be available for expenses of travel on official business not to exceed in the aggregate under all funds the sum of $20,000. 40 USC 166a.

Appropriations under the control of the Architect of the Capitol for the period July 1, 1976, through September 30, 1976, shall be available for expenses of travel on official business not to exceed in the aggregate under all funds the sum of $5,000.

CONTINGENT EXPENSES

To enable the Architect of the Capitol to make surveys and studies, to incur expenses authorized by the Act of December 13, 1973 (87 Stat. 704), and to meet unforeseen expenses in connection with activities under his care, $120,000. 40 USC 166d, 166e.

Not to exceed $100,000 of the unobligated balance of the appropriation under this head for the fiscal year 1975, provided in the Further Urgent Supplemental Appropriations Act, 1975 (89 Stat. 11), is hereby continued available until June 30, 1976.

For "Contingent expenses" for the period July 1, 1976, through September 30, 1976, $30,000.

Capitol Buildings and Grounds

CAPITOL BUILDINGS

For necessary expenditures for the Capitol Building and electrical substations of the Senate and House Office Buildings, under the jurisdiction of the Architect of the Capitol, including improvements, maintenance, repair, equipment, supplies, material, fuel, oil, waste, and appurtenances; furnishings and office equipment; special and protective clothing for workmen; uniforms or allowances therefor as authorized by law (5 U.S.C. 5901–5902); personal and other services; cleaning and repairing works of art and prevention and eradication of insect and other pests without regard to section 3709 of the Revised Statutes, as amended; transporting statuary, now stored on the grounds of the Capitol Power Plant, to the Smithsonian Institution; purchase or exchange, maintenance and operation of a passenger motor vehicle; purchase of necessary reference books and periodicals; for 41 USC 5.

expenses of attendance, when specifically authorized by the Architect of the Capitol, at meetings or conventions in connection with subjects related to work under the Architect of the Capitol, $4,144,500, of which $77,000 shall remain available until expended.

Not to exceed $496,500 of the unobligated balance of the appropriation under this head for the fiscal year 1975 is hereby continued available until June 30, 1976.

Not to exceed $60,000 of the unobligated balance of that part of the appropriation under this head for the fiscal year 1974, continued available until June 30, 1975, is hereby continued available until June 30, 1976.

Not to exceed $400,000 of the unobligated balance of that part of the appropriation under this head for the fiscal year 1973, made available until June 30, 1974 and continued available until June 30, 1975, for restoration of the Old Senate and Supreme Court Chambers, is hereby continued available until June 30, 1976.

For "Capitol buildings" for the period July 1, 1976, through September 30, 1976, $1,391,000.

CAPITOL GROUNDS

For care and improvement of grounds surrounding the Capitol, the Senate and House Office Buildings, and the Capitol Power Plant; personal and other services; care of trees; planting; fertilizer; repairs to pavements, walks, and roadways; waterproof wearing apparel; maintenance of signal lights; and for snow removal by hire of men and equipment or under contract without regard to section 3709 of the Revised Statutes, as amended, $1,685,000, of which $200,000 shall remain available until expended.

41 USC 5.

For "Capitol grounds" for the period July 1, 1976, through September 30, 1976, $405,000.

MASTER PLAN FOR FUTURE DEVELOPMENT OF THE CAPITOL GROUNDS AND RELATED AREAS

Notwithstanding any other provision of law, to enable the Architect of the Capitol to prepare studies and develop a Master Plan for future developments within the United States Capitol Grounds, for the future enlargement of such grounds through the acquisition and development of areas in the vicinity thereof, and for the future acquisition and development of other areas deemed appropriate by him to include in and incorporate as a part of such Plan, in order to provide within such areas for future expansion, growth, and requirements of the legislative branch and such parts of the judiciary branch as deemed appropriate to include in such Plan, after consultation with the leaders of the House and the Senate, and the Legislative Branch Appropriations Subcommittees of the House and Senate, and the Chief Justice of the United States, and in order to project other anticipated growth in and adjacent to such areas, $350,000, to be expended without regard to section 3709 of the Revised Statutes of the United States, as amended, and to remain available until expended: *Provided*, That the Architect of the Capitol is authorized to enter into personal service and other contracts, employ personnel, confer with and accept services and assistance from the National Capital Planning Commission and other Government agencies and other interested parties to insure coordinated planning, and incur obligations and make expenditures for these and other items deemed necessary to carry out

the purposes of this paragraph: *Provided further*, That upon completion of such Plan, the Architect of the Capitol shall transmit to the Congress a report describing such Plan, with illustrated drawings and other pertinent material.

Report, transmittal to Congress.

SENATE OFFICE BUILDINGS

For maintenance, miscellaneous items and supplies, including furniture, furnishings, and equipment, and for labor and material incident thereto, and repairs thereof; for purchase of waterproof wearing apparel, and for personal and other services; for the care and operation of the Senate Office Buildings; including the subway and subway transportation systems connecting the Senate Office Buildings with the Capitol; uniforms or allowances therefor as authorized by law (5 U.S.C. 5901–5902), prevention and eradication of insect and other pests without regard to section 3709 of the Revised Statutes as amended; to be expended under the control and supervision of the Architect of the Capitol in all $8,000,000, of which not to exceed $783,600 shall be available for expenditure without regard to Section 3709 of the Revised Statutes, as amended, and shall remain available until expended for consulting services, design, testing, evaluation, and procurement of office furniture, furnishings, and equipment under a pilot program devised to provide guidelines and criteria for future procurements for such items for the Senate Office Buildings Complex: *Provided*, That the second proviso under the head "Senate Office Buildings" contained in the Legislative Branch Appropriation Act, 1972 (85 Stat. 138) is amended by adding at the end thereof, before the colon, the words "and, in fixing the compensation of such personnel, the compensation of four positions hereafter to be designated as Director of Food Service, Assistant Director of Food Service, Manager (special functions), and Administrative Officer shall be fixed by the Architect of the Capitol without regard to Chapter 51 and Subchapter III and IV of Chapter 53 of title 5, United States Code, and shall thereafter be adjusted in accordance with 5 U.S.C. 5307".

41 USC 5.

40 USC 174j-8.

5 USC 5101, 5331, 5341.

Not to exceed $225,000 of the unobligated balance of the appropriation under this head for the fiscal year 1975 is hereby continued available until June 30, 1976.

For "Senate office buildings" for the period July 1, 1976, through September 30, 1976, $2,050,000.

CONSTRUCTION OF AN EXTENSION TO THE NEW SENATE OFFICE BUILDING

No part of the funds appropriated for "Construction of an Extension to the New Senate Office Building" shall be obligated or expended for construction, either on, above, or below street level, of any additional pedestrian entrances to the Dirksen Senate Office Building on the side of such building that faces First Street Northeast, or for construction of additional underground pedestrian walkways extending from the Dirksen Building through the Russell Building, or for construction of any restaurants or shops on the first floor of the Dirksen Building.

SENATE GARAGE

For maintenance, repairs, alterations, personal and other services, and all other necessary expenses, $127,300.

For "Senate garage" for the period July 1, 1976, through September 30, 1976, $34,000.

HOUSE OFFICE BUILDINGS

For maintenance, including equipment; waterproof wearing apparel; uniforms or allowances therefor as authorized by law (5 U.S.C. 5901–5902); prevention and eradication of insect and other pests without regard to section 3709 of the Revised Statutes, as amended; miscellaneous items; and for all necessary services, including the position of Superintendent of Garages as authorized by law, $9,814,700.

41 USC 5.

For "House office buildings" for the period July 1, 1976, through September 30, 1976, $2,596,000.

CAPITOL POWER PLANT

For lighting, heating, and power (including the purchase of electrical energy) for the Capitol, Senate and House Office Buildings, Supreme Court Building, Congressional Library Buildings, and the grounds about the same, Botanic Garden, Senate garage, and for air-conditioning refrigeration not supplied from plants in any of such buildings; for heating the Government Printing Office, Washington City Post Office, and Folger Shakespeare Library, reimbursement for which shall be made and covered into the Treasury; personal and other services, fuel, oil, materials, waterproof wearing apparel, and all other necessary expenses in connection with the maintenance and operation of the plant, $9,063,000.

For "Capitol power plant" for the period July 1, 1976, through September 30, 1976, $2,442,000.

ALTERATIONS AND IMPROVEMENTS, BUILDINGS AND GROUNDS, TO PROVIDE FACILITIES FOR THE PHYSICALLY HANDICAPPED

For alternations and improvements to provide facilities for the physically handicapped, in the Capitol, Senate, and House Office Buildings, Capitol Grounds, Library of Congress Buildings, and Botanic Garden, including personal and other services and all other necessary items, $2,700,000, to be expended by the Architect of the Capitol and to remain available until expended.

LIBRARY BUILDINGS AND GROUNDS

STRUCTURAL AND MECHANICAL CARE

For necessary expenditures for mechanical and structural maintenance, including improvements, equipment, supplies, waterproof wearing apparel, and personal and other services, $1,821,000, of which $78,000 shall remain available until expended.

Not to exceed $70,000 of the unobligated balance of the appropriation under this head for the fiscal year 1975 is hereby continued available until June 30, 1976.

For "Library buildings and grounds, structural and mechanical care" for the period July 1, 1976, through September 30, 1976, $485,000.

ADMINISTRATIVE PROVISION

State income tax, withholding and remittance.
40 USC 166b-5.

SEC. 501. (a) Whenever—

(1) the law of any State provides for the collection of an income tax by imposing upon employers generally the duty of

withholding sums from the compensation of employees and remitting such sums to the authorities of such State; and

(2) such duty to withhold is imposed generally with respect to the compensation of employees who are residents of such State;

then the Architect of the Capitol is authorized, in accordance with the provisions of this section, to enter into an agreement with the appropriate official of that State to provide for the withholding and remittance of sums for individuals—

(A) employed by the Office of the Architect of the Capitol, the United States Botanic Garden, or the Senate Restaurant; and

(B) who request the Architect to make such withholdings for remittance to that State.

(b) Any agreement entered into under subsection (a) of this section shall not require the Architect to remit such sums more often than once each calendar quarter.

(c)(1) An individual employed by the Office of the Architect of the Capitol, the United States Botanic Garden, or the Senate Restaurant may request the Architect to withhold sums from his pay for remittance to the appropriate authorities of the State that he designates. Amounts of withholdings shall be made in accordance with those provisions of the law of that State which apply generally to withholding by employers.

(2) An individual may have in effect at any time only one request for withholdings, and he may not have more than two such requests in effect with respect to different States during any one calendar year. The request for withholdings is effective on the first day of the first pay period commencing on or after the day on which the request is received in the Office of the Architect, the Botanic Garden Office, or the Senate Restaurant Accounting Office except that—

(A) when the Architect first enters into an agreement with a State, a request for withholdings shall be effective on such date as the Architect may determine; and

(B) when an individual first receives an appointment, the request shall be effective on the day of appointment, if the individual makes the request at the time of appointment.

(3) An individual may change the State designated by him for the purposes of having withholdings made and request that the withholdings be remitted in accordance with such change, and he may also revoke his request for withholdings. Any change in the State designated or revocation is effective on the first day of the first pay period commencing on or after the day on which the request for change or the revocation is received in the appropriate office.

(4) The Architect is authorized to issue rules and regulations he considers appropriate in carrying out this subsection. Rules and regulations.

(d) The Architect may enter into agreements under subsection (a) of this section at such time or times as he considers appropriate.

(e) This section imposes no duty, burden, or requirement upon the United States, or any officer or employee of the United States, except as specifically provided in this section. Nothing in this section shall be deemed to consent to the application of any provision of law which has the effect of subjecting the United States, or any officer or employee of the United States to any penalty or liability by reason of the provisions of this section.

(f) For the purposes of this section, "State" means any of the States of the United States. "State."

TITLE VI

BOTANIC GARDEN

SALARIES AND EXPENSES

For all necessary expenses incident to maintaining, operating, repairing, and improving the Botanic Garden and the nurseries, buildings, grounds, collections, and equipment pertaining thereto, including personal services; waterproof wearing apparel; not to exceed $25 for emergency medical supplies; traveling expenses, including bus fares, not to exceed $275; the prevention and eradication of insect and other pests and plant diseases by purchase of materials and procurement of personal services by contract without regard to the provisions of any other Act; purchase and exchange of motor trucks; purchase and exchange, maintenance, repair, and operation of a passenger motor vehicle; purchase of botanical books, periodicals, and books of reference, not to exceed $100; all under the direction of the Joint Committee on the Library, $1,205,000, of which $50,000 shall remain available until expended.

For "Salaries and expenses" for the period July 1, 1976, through September 30, 1976, $297,000.

TITLE VII

LIBRARY OF CONGRESS

SALARIES AND EXPENSES

For necessary expenses of the Library of Congress, not otherwise provided for, including development and maintenance of the Union Catalogs; custody, care, and maintenance of the Library Buildings; special clothing; cleaning, laundering, and repair of uniforms; preservation of motion pictures in the custody of the Library; for the national program for acquisition and cataloging of Library material; and expenses of the Library of Congress Trust Fund Board not properly chargeable to the income of any trust fund held by the Board, $57,285,000.

For "Salaries and expenses" for the period July 1, 1976, through September 30, 1976, $14,895,000.

COPYRIGHT OFFICE

SALARIES AND EXPENSES

For necessary expenses of the Copyright Office, including publication of the decisions of the United States courts involving copyrights, $6,753,500.

For "Salaries and expenses" for the period July 1, 1976, through September 30, 1976, $1,768,000.

NATIONAL COMMISSION ON NEW TECHNOLOGICAL USES OF COPYRIGHTED WORKS

SALARIES AND EXPENSES

For necessary expenses of the National Commission on New Technological Uses of Copyrighted Works, $337,000.

For "Salaries and Expenses" for the period July 1, 1976, through September 30, 1976, $114,000.

CONGRESSIONAL RESEARCH SERVICE

SALARIES AND EXPENSES

For necessary expenses to carry out the provisions of section 203 of the Legislative Reorganization Act of 1946, as amended by section 321 of the Legislative Reorganization Act of 1970 (2 U.S.C. 166), $16,606,000: *Provided*, That no part of this appropriation may be used to pay any salary or expense in connection with any publication, or preparation of material therefor (except the Digest of Public General Bills), to be issued by the Library of Congress unless such publication has obtained prior approval of either the Committee on House Administration or the Senate Committee on Rules and Administration.

For "Salaries and expenses" for the period July 1, 1976, through September 30, 1976, $4,433,000.

DISTRIBUTION OF CATALOG CARDS

SALARIES AND EXPENSES

For necessary expenses for the preparation and distribution of catalog cards and other publications of the Library, $11,285,000.

For "Salaries and expenses" for the period July 1, 1976, through September 30, 1976, $2,971,500.

BOOKS FOR THE GENERAL COLLECTIONS

For necessary expenses (except personal services) for acquisition of books, periodicals, and newspapers, and all other material for the increase of the Library, $1,695,000, to remain available until expended, including $40,000 to be available solely for the purchase, when specifically approved by the Librarian, of special and unique materials for additions to the collections.

For "Books for the general collection" for the period July 1, 1976, through September 30, 1976, $456,000, to remain available until expended, including $10,000 to be available solely for the purchase, when specifically approved by the Librarian, of special and unique materials for additions to the collections.

BOOKS FOR THE LAW LIBRARY

For necessary expenses (except personal services) for acquisition of books, legal periodicals, and all other material for the increase of the law library, $251,000, to remain available until expended.

For "Books for the law library" for the period July 1, 1976, through September 30, 1976, $75,000, to remain available until expended.

BOOKS FOR THE BLIND AND PHYSICALLY HANDICAPPED

SALARIES AND EXPENSES

For salaries and expenses to carry out the provisions of the Act approved March 3, 1931 (2 U.S.C. 135a), as amended, $15,872,000.

For "Salaries and expenses" for the period July 1, 1976, through September 30, 1976, $3,742,000.

COLLECTION AND DISTRIBUTION OF LIBRARY MATERIALS

(SPECIAL FOREIGN CURRENCY PROGRAM)

For necessary expenses for carrying out the provisions of section 104(b)(5) of the Agricultural Trade Development and Assistance Act of 1954, as amended (7 U.S.C. 1704), to remain available until expended, $2,014,100, of which $1,718,500 shall be available only for payments in any foreign currencies owed to or owned by the United States which the Treasury Department shall determine to be excess to the normal requirements of the United States.

For "Collection and distribution of library materials (special foreign currency program)" for the period July 1, 1976, through September 30, 1976, to remain available until expended, $498,000, of which $426,000 shall be available only for payments in any foreign currencies owed to or owned by the United States which the Treasury Department shall determine to be excess to the normal requirements of the United States.

FURNITURE AND FURNISHINGS

For necessary expenses for the purchase and repair of furniture, furnishings, office and library equipment, $4,078,000, of which $3,136,000 shall be available until expended only for the purchase and supply of furniture, book stacks, shelving, furnishings, and related costs necessary for the initial outfitting of the James Madison Memorial Library Building.

Not to exceed $20,000 of the unobligated balance of the appropriation under this head for the fiscal year 1975, which would have otherwise lapsed, is hereby continued available until June 30, 1976.

For "Furniture and furnishings" for the period July 1, 1976, through September 30, 1976, $145,300, of which $58,000 shall be available until expended only for the purchase and supply of furniture, book stacks, shelving, furnishings, and related costs necessary for the initial outfitting of the James Madison Memorial Library Building.

REVISION OF ANNOTATED CONSTITUTION

SALARIES AND EXPENSES

For necessary expenses to enable the Librarian to revise and extend the Annotated Constitution of the United States of America, $34,000, to remain available until expended.

For "Salaries and expenses" for the period July 1, 1976, through September 30, 1976, $9,000, to remain available until expended.

ADMINISTRATIVE PROVISIONS

SEC. 701. Appropriations in this Act available to the Library of Congress for salaries shall be available for expenses of investigating the loyalty of Library employees; special and temporary services (including employees engaged by day or hour or in piecework); and services as authorized by 5 U.S.C. 3109.

Aliens, employment. 2 USC 169.

SEC. 702. Not to exceed fifteen positions in the Library of Congress may be exempt from the provisions of appropriation acts concerning the employment of aliens during the current fiscal year, but the Librarian shall not make any appointment to any such position until he has ascertained that he cannot secure for such appointments a person in any of the categories specified in such provisions who possesses the special qualifications for the particular position and also otherwise

meets the general requirements for employment in the Library of Congress.

SEC. 703. Funds available to the Library of Congress may be expended to reimburse the Department of State for medical services rendered to employees of the Library of Congress stationed abroad and for contracting on behalf of and hiring alien employees for the Library of Congress under compensation plans comparable to those authorized by section 444 of the Foreign Service Act of 1946, as amended (22 U.S.C. 889(a)); for purchase or hire of passenger motor vehicles; for payment of travel, storage and transportation of household goods, and transportation and per diem expenses for families en route (not to exceed twenty-four); for benefits comparable to those payable under sections 911(9), 911(11), and 941 of the Foreign Service Act of 1946, as amended (22 U.S.C. 1136(9), 1136(11), and 1156, respectively); and travel benefits comparable with those which are now or hereafter may be granted single employees of the Agency for International Development, including single Foreign Service personnel assigned to A.I.D. projects, by the Administrator of the Agency for International Development—or his designee—under the authority of section 636(b) of the Foreign Assistance Act of 1961 (Public Law 87-195, 22 U.S.C. 2396(b)); subject to such rules and regulations as may be issued by the Librarian of Congress. 2 USC 143a.

SEC. 704. Payments in advance for subscriptions or other charges for bibliographical data, publications, materials in any other form, and services may be made by the Librarian of Congress whenever he determines it to be more prompt, efficient, or economical to do so in the interest of carrying out required Library programs. Advance payments.

SEC. 705. Appropriations in this Act available to the Library of Congress shall be available, in an amount not to exceed $75,000, when specifically authorized by the Librarian, for expenses of attendance at meetings concerned with the function or activity for which the appropriation is made.

SEC. 706. Appropriations in this Act available to the Library of Congress for the period July 1, 1976, through September 30, 1976, shall be available, in an amount not to exceed $18,750, when specifically authorized by the Librarian, for expenses of attendance at meetings concerned with the function or activity for which the appropriation is made.

SEC. 707. Funds available to the Library of Congress may be expended to provide additional parking facilities for Library of Congress employees in an area or areas in the District of Columbia outside the limits of the Library of Congress grounds, and to provide for transportation of such employees to and from such area or areas and the Library of Congress grounds without regard to the limitations imposed by 31 U.S.C. 638a(c)(2).

SEC. 708. Funds available to the Library of Congress may be expended to purchase, lease, maintain, and otherwise acquire automatic data processing equipment without regard to the provisions of 40 U.S.C. 759.

TITLE VIII

GOVERNMENT PRINTING OFFICE

PRINTING AND BINDING

For authorized printing and binding for the Congress; for printing and binding for the Architect of the Capitol; expenses necessary for preparing the semimonthly and session index to the Congressional

Record, as authorized by law (44 U.S.C. 902); printing, binding, and distribution of the Federal Register (including the Code of Federal Regulations) as authorized by law (44 U.S.C. 1509, 1510); and printing and binding of Government publications authorized by law to be distributed without charge to the recipient, $108,500,000: *Provided*, That this appropriation shall not be available for printing and binding part 2 of the annual report of the Secretary of Agriculture (known as the Yearbook of Agriculture): *Provided further*, That this appropriation shall be available for the payment of obligations incurred under the appropriations for similar purposes for preceding fiscal years.

44 USC 735 note. Hereafter, notwithstanding any other provisions of law appropriations for the binding of copies of public documents by Committees for distribution to Senators and Representatives (including Delegates to Congress and the Resident Commissioner from Puerto Rico) shall not be available for a Senator or Representative unless such Senator or Representative specifically, in writing, requests that he receive bound copies of any such documents.

44 USC 723 note. Hereafter, appropriations for authorized printing and binding for Congress shall not be available under the authority of section 723 of title 44 of the United States Code for the printing, publication, and distribution of more than fifty bound eulogies to be delivered to the family of the deceased, and in the case of a deceased Senator or deceased Representative (including Delegates to Congress and the Resident Commissioner from Puerto Rico), there shall be furnished to his successor in office two hundred and fifty copies.

44 USC 1317 note. Hereafter, notwithstanding any other provisions of law, appropriations for the automatic distribution to Senators and Representatives (including Delegates to Congress and the Resident Commissioner from Puerto Rico) of copies of the Foreign Relations of the United States, the United States Treaties and Other International Agreements, the District of Columbia Code and Supplements, and more than one bound set of the United States Code and Supplements shall not be available with respect to any Senator or Representative unless such Senator or Representative specifically, in writing, requests that he receive copies of such documents.

For "Printing and binding" for the period July 1, 1976, through September 30, 1976, $27,125,000.

OFFICE OF SUPERINTENDENT OF DOCUMENTS

SALARIES AND EXPENSES

For necessary expenses of the Office of Superintendent of Documents, including compensation of all employees in accordance with the provisions of 44 U.S.C. 305; travel expenses (not to exceed $88,300): *Provided*, That expenditures in connection with travel expenses of the Depository Library Council to the Public Printer shall be deemed necessary to carry out the provisions of chapter 19 of title 44, United States Code; price lists and bibliographies; repairs to buildings, elevators, and machinery; and supplying books to depository libraries; $36,765,700: *Provided*, That $300,000 of this appropriation shall be apportioned for use pursuant to section 3679 of the Revised Statutes, as amended (31 U.S.C. 665), with the approval of the Public Printer, only to the extent necessary to provide for expenses (excluding permanent personal services) for workload increases not anticipated in

44 USC 1901.

the budget estimates and which cannot be provided for by normal budgetary adjustments.

For "Salaries and expenses" for the period July 1, 1976, through September 30, 1976, $9,191,400: *Provided*, That $75,000 of this appropriation shall be apportioned for use pursuant to section 3679 of the Revised Statutes, as amended (31 U.S.C. 665), with the approval of the Public Printer, only to the extent necessary to provide for expenses (excluding permanent personal services) for workload increases not anticipated in the budget estimates and which cannot be provided for by normal budgetary adjustments.

GOVERNMENT PRINTING OFFICE REVOLVING FUND

The Government Printing Office is hereby authorized to make such expenditures, within the limits of funds available and in accord with the law, and to make such contracts and commitments without regard to fiscal year limitations as provided by section 104 of the Government Corporation Control Act, as amended, as may be necessary in carrying out the programs and purposes set forth in the budget for the current fiscal year for the "Government Printing Office revolving fund": *Provided*, That not to exceed $3,500 may be expended on the certification of the Public Printer in connection with special studies of governmental printing, binding, and distribution practices and procedures: *Provided further*, That during the current fiscal year the revolving fund shall be available for the hire of two passenger motor vehicles and the purchase of one passenger motor vehicle. 31 USC 849.

The Government Printing Office is hereby authorized to make such expenditures, within the limits of funds available and in accord with the law, and to make such contracts and commitments without regard to fiscal year limitations as provided by section 104 of the Government Corporation Control Act, as amended, as may be necessary in carrying out the programs and purposes set forth in the budget for the period July 1, 1976, through September 30, 1976, for the "Government Printing Office revolving fund": *Provided*, That not to exceed $875 may be expended on the certification of the Public Printer in connection with special studies of governmental printing, binding, and distribution practices and procedures: *Provided further*, That during the period July 1, 1976, through September 30, 1976, the revolving fund shall be available for the hire of two passenger motor vehicles and the purchase of one passenger motor vehicle.

TITLE IX

GENERAL ACCOUNTING OFFICE

SALARIES AND EXPENSES

For necessary expenses of the General Accounting Office, including not to exceed $5,000 to be expended on the certification of the Comptroller General of the United States in connection with special studies of governmental financial practices and procedures; services as authorized by 5 U.S.C. 3109 but at rates for individuals not to exceed the per diem rate equivalent to the rate for grade GS-18; hire of one passenger motor vehicle; advance payments in foreign countries notwithstanding section 3648, Revised Statutes, as amended (31 U.S.C. 529); benefits comparable to those payable under section 911(9), 911(11), and 942(a) of the Foreign Service Act of 1946, as amended 5 USC 5332 note.

(22 U.S.C. 1136(9), 1136(11), and 1157(a), respectively); and under regulations prescribed by the Comptroller General of the United States, rental of living quarters in foreign countries and travel benefits comparable with those which are now or hereafter may be granted single employees of the Agency for International Development, including single Foreign Service personnel assigned to A.I.D. projects, by the Administrator of the Agency for International Development—or his designee—under the authority of section 636(b) of the Foreign Assistance Act of 1961 (Public Law 87-195, 22 U.S.C. 2396(b)), $135,930,000: *Provided*, That this appropriation and appropriations for administrative expenses of any other department or agency which is a member of the Joint Financial Management Improvement Program (JFMIP) shall be available to finance an appropriate share of JFMIP costs as determined by the JFMIP, including but not limited to the salary of the Executive Secretary and secretarial support: *Provided further*, That this appropriation and appropriations for administrative expenses of any other department or agency which is a member of the National Intergovernmental Audit Forum or a Regional Intergovernmental Audit Forum shall be available to finance an appropriate share of Forum costs as determined by the Forum, including necessary travel expenses of non-Federal participants. Payments hereunder to either the Forum or the JFMIP may be credited as reimbursements to any appropriation from which costs involved are initially financed.

For "Salaries and expenses" for the period July 1, 1976, through September 30, 1976, $35,800,000, including not to exceed $1,250 to be expended on the certification of the Comptroller General of the United States in connection with special studies of governmental financial practices and procedures.

TITLE X

COST-ACCOUNTING STANDARDS BOARD

Salaries and Expenses

For expenses of the Cost-Accounting Standards Board necessary to carry out the provisions of section 719 of the Defense Production Act of 1950, as amended (Public Law 91-379, approved August 15, 1970), $1,635,000.

50 USC app. 2168.

For "Salaries and expenses" for the period July 1, 1976, through September 30, 1976, $410,000.

TITLE XI

GENERAL PROVISIONS

Sec. 1101. No part of the funds appropriated in this Act shall be used for the maintenance or care of private vehicles, except for emergency assistance and cleaning as may be provided under regulations relating to parking facilities for the House of Representatives issued by the Committee on House Administration.

Sec. 1102. Whenever any office or position not specifically established by the Legislative Pay Act of 1929 is appropriated for herein or whenever the rate of compensation or designation of any position appropriated for herein is different from that specifically established for such position by such Act, the rate of compensation and the designation of the position, or either, appropriated for or provided

46 Stat. 32.

herein, shall be the permanent law with respect thereto: *Provided*, That the provisions herein for the various items of official expenses of Members, officers, and committees of the Senate and House, and clerk hire for Senators and Members shall be the permanent law with respect thereto.

Standard level user charge, limitation.

SEC. 1103. No part of any appropriation contained in this Act shall be available for paying to the Administrator of the General Services Administration in excess of 90 per centum of the standard level user charge established pursuant to section 210(j) of the Federal Property and Administrative Services Act of 1949, as amended, for space and services.

40 USC 490.

SEC. 1104. Section 105(b) of the Legislative Branch Appropriation Act, 1961 (22 U.S.C. 276c–1), as amended, relating to reporting of expenditures by members of groups or delegations to interparliamentary groups, is amended by striking out the entire section and inserting in lieu thereof the following:

"Each chairman or senior member of the House of Representatives and Senate group or delegation of the United States group or delegation to the Interparliamentary Union, the North Atlantic Assembly, the Canada-United States Interparliamentary Group, the Mexico-United States Interparliamentary Group, or any similar interparliamentary group of which the United States is a member or participates, by whom or on whose behalf local currencies owned by the United States are made available and expended and/or expenditures are made from funds appropriated for the expenses of such group or delegation, shall file with the chairman of the Committee on Foreign Relations of the Senate in the case of the group or delegation of the Senate, or with the chairman of the Committee on International Relations of the House of Representatives in the case of the group or delegation of the House, an itemized report showing all such expenditures made by or on behalf of each Member or employee of the group or delegation together with the purposes of the expenditure, including per diem (lodging and meals), transportation, and other purposes. Within sixty days after the beginning of each regular session of Congress, the chairman of the Committee on Foreign Relations and the chairman of the Committee on International Relations shall prepare consolidated reports showing with respect to each such group or delegation the total amount expended, the purposes of the expenditures, the amount expended for each such purpose, the names of the Members or employees by or on behalf of whom the expenditures were made and the amount expended by or on behalf of each Member or employee for each such purpose. The consolidated reports prepared by the chairman of the Committee on Foreign Relations of the Senate shall be filed with the Secretary of the Senate, and the consolidated reports prepared by the chairman of the Committee on International Relations of the House shall be filed with the Committee on House Administration of the House and shall be open to public inspection.".

Reports, public inspection.

Report, public inspection.

SEC. 1105. Section 502(b) of the Mutual Security Act of 1954 (22 U.S.C. 1754(b)), relating to the use of foreign currency, is amended by striking out the last two sentences and inserting in lieu thereof the following:

"Within the first sixty days that Congress is in session in each calendar year, the chairman of such committee shall prepare a consolidated report itemizing the amounts and dollar equivalent values of each such foreign currency expended and the amounts of dollar expenditures from appropriated funds in connection with travel outside the United States, together with the purposes of the expenditure,

including per diem (lodging and meals), transportation and other purposes, and showing the total itemized expenditures during the preceding calendar year of the committee, and of each member or employee of such committee, and shall forward such consolidated report to the Committee on House Administration of the House of Representatives (if the committee be a committee of the House of Representatives or a joint committee whose funds are disbursed by the Clerk of the House) or to the Secretary of the Senate (if the committee be a Senate committee or joint committee whose funds are disbursed by the Secretary of the Senate), and shall be open to public inspection.".

Repeal.
88 Stat. 444.

SEC. 1106. Section 106 of the Legislative Branch Appropriation Act, 1975 is repealed.

Motor vehicles.
31 USC 638a-1.

SEC. 1108. Section 638a of title 31 of the United States Code shall hereafter not be construed as applying to the purchase, maintenance, and repair of passenger motor vehicles by the United States Capitol Police.

Fiscal year limitation.

SEC. 1109. No part of any appropriation contained in this Act shall remain available for obligation beyond the current fiscal year unless expressly so provided herein, except as provided in section 204 of the Supplemental Appropriation Act, 1975 (Public Law 93–554).

88 Stat. 1784.

SEC. 1110. Notwithstanding any other provision of law, none of the funds in this Act shall be used to pay Pages of the Senate and House of Representatives at a gross annual maximum rate of compensation in excess of that in effect on June 30, 1975.

Elevator operators.

SEC. 1111. The Architect of the Capitol shall study and submit his recommendations to the Congress within 3 months, a plan to reduce by at least 50 percent the number of persons operating automatic elevators within the Capitol complex.

Short title.

This Act may be cited as the "Legislative Branch Appropriation Act, 1976".

Approved July 25, 1975.

LEGISLATIVE HISTORY:

HOUSE REPORTS: No. 94–208 (Comm. on Appropriations) and No. 94–370 (Comm. of Conference).
SENATE REPORT No. 94–262 (Comm. on Appropriations).
CONGRESSIONAL RECORD, Vol. 121 (1975):
May 21, considered and passed House.
July 9, considered and passed Senate, amended.
July 22, House and Senate agreed to conference report.

Public Law 94-60
94th Congress

Joint Resolution

Amending section 5(c) of the Home Owners' Loan Act of 1933 to clarify the authority of Federal savings and loan associations to act as custodians of individual retirement accounts.

July 25, 1975
[S.J. Res. 102]

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the first sentence of the paragraph of section 5(c) of the Home Owners' Loan Act of 1933 which was added by section 708 of the Emergency Home Finance Act of 1970 is amended—

Federal savings and loan associations. Individual retirement accounts, custodians. 12 USC 1464.

(1) by striking out "or section 408(a)";

(2) by inserting after "1954" the following: "and to act as trustee or custodian of an individual retirement account within the meaning of section 408 of such Code"; and

(3) by inserting "or account" after "such trust".

Approved July 25, 1975.

LEGISLATIVE HISTORY:

SENATE REPORT No. 94-266 (Comm. on Banking, Housing and Urban Affairs).
CONGRESSIONAL RECORD, Vol. 121 (1975):
July 11, considered and passed Senate.
July 17, considered and passed House.

Public Law 94-61
94th Congress

An Act

July 25, 1975
[S. 435]

To amend section 301(b)(7) of the Agricultural Adjustment Act of 1938, as amended, to change the marketing year for wheat from July 1–June 30, to June 1–May 31.

Wheat.
Marketing year, adjustment.
7 USC 1301.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 301(b)(7) of the Agricultural Adjustment Act of 1938, as amended, is amended by striking out "Wheat, July 1–June 30" and inserting in lieu thereof "Wheat, June 1–May 31".

Effective date.
7 USC 1301 note.

SEC. 2. The amendment made by the first section of this Act shall become effective June 1, 1975.

Approved July 25, 1975

LEGISLATIVE HISTORY:

HOUSE REPORT No. 94-354 (Comm. on Agriculture).
CONGRESSIONAL RECORD, Vol. 121 (1975):
Apr. 24, considered and passed Senate.
July 21, considered and passed House.

Public Law 94–62
94th Congress

An Act

To amend the Marine Protection, Research, and Sanctuaries Act of 1972 to authorize appropriations to carry out the provisions of such Act for fiscal year 1976 and for the transition period following such fiscal year, and for other purposes.

July 25, 1975
[H.R. 5710]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 111 of the Marine Protection, Research, and Sanctuaries Act of 1972, as amended (33 U.S.C. 1420), is amended by striking out "and not to exceed $5,500,000 for fiscal years 1974 and 1975," and inserting in lieu thereof the following: "not to exceed $5,500,000 for each of the fiscal years 1974 and 1975, not to exceed $5,300,000 for fiscal year 1976, and not to exceed $1,325,000 for the transition period (July 1 through September 30, 1976),".

Marine Protection, Research, and Sanctuaries Act of 1972, amendment. Appropriation authorization.

SEC. 2. Section 202(c) of the Marine Protection, Research, and Sanctuaries Act of 1972 (33 U.S.C. 1442(c)) is amended by striking out "January" and inserting in lieu thereof "March".

Report to Congress.

SEC. 3. Section 204 of the Marine Protection, Research, and Sanctuaries Act of 1972 (33 U.S.C. 1444) is amended by adding at the end thereof the following new sentence: "There are authorized to be appropriated not to exceed $1,500,000 for the transition period (July 1 through September 30, 1976).".

SEC. 4. Section 304 of the Marine Protection, Research, and Sanctuaries Act of 1972 (16 U.S.C. 1434) is amended to read as follows:

"SEC. 304. There are authorized to be appropriated not to exceed $10,000,000 for each of the fiscal years 1973, 1974, and 1975, not to exceed $6,200,000 for fiscal year 1976, and not to exceed $1,550,000 for the transition period (July 1 through September 30, 1976) to carry out the provisions of this title, including the acquisition, development, and operation of marine sanctuaries designated under this title.".

Approved July 25, 1975.

LEGISLATIVE HISTORY:

HOUSE REPORT No. 94–217 (Comm. on Merchant Marine and Fisheries).
SENATE REPORT No. 94–271 (Comm. on Commerce).
CONGRESSIONAL RECORD, Vol. 121 (1975):
May 19, considered and passed House.
July 11, considered and passed Senate.

Public Law 94-63
94th Congress

An Act

July 29, 1975
[S. 66]

To amend the Public Health Service Act and related health laws to revise and extend the health revenue sharing program, the family planning programs, the community mental health centers program, the program for migrant health centers and community health centers, the National Health Service Corps program, and the programs for assistance for nurse training, and for other purposes.

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

Public Health Service Act, amendments.

TITLE I—HEALTH REVENUE SHARING

Special Health Revenue Sharing Act of 1975.
12 USC 246 note.

SEC. 101. This title may be cited as the "Special Health Revenue Sharing Act of 1975".

42 USC 246.

SEC. 102. Effective with respect to grants made under section 314(d) of the Public Health Service Act from appropriations under that section for fiscal years beginning after June 30, 1975, section 314(d) of the Public Health Service Act is amended to read as follows:

"Comprehensive Public Health Services

Grants.

"(d)(1) From allotments made pursuant to paragraph (4), the Secretary shall make grants to State health and mental health authorities to assist in meeting the costs of providing comprehensive public health services.

Application.

"(2) No grant may be made under paragraph (1) to the State health or mental health authority of any State unless an application therefor has been submitted to and approved by the Secretary. Such an application shall be submitted in such form and manner and shall contain such information as the Secretary may require, and shall contain or be supported by assurances satisfactory to the Secretary that—

"(A) the comprehensive public health services provided within the State will be provided in accordance with the State plan prepared in accordance with section 1524(c)(2) or the State plan approved under section 314(a), whichever is applicable;

42 USC 300m-3.

"(B) funds received under grants under paragraph (1) will (i) be used to supplement and, to the extent practical, to increase the level of non-Federal funds that would otherwise be made available for the purposes for which the grant funds are provided, and (ii) not be used to supplant such non-Federal funds;

"(C) the State health authority, and, with respect to mental health activities, the State mental health authority will—

"(i) provide for such fiscal control and fund accounting procedures as may be necessary to assure the proper disbursement of and accounting for funds received under grants under paragraph (1);

Report to Secretary.

"(ii) from time to time, but not less often than annually, report to the Secretary (through a uniform national reporting system and by such categories as the Secretary may prescribe) a description of the comprehensive public health services provided in the State in the fiscal year for which the grant applied for is made and the amount of funds obligated in such

fiscal year for the provision of each such category of services; and

"(iii) make such reports (in such form and containing such information as the Secretary may prescribe) as the Secretary may reasonably require, and keep such records and afford such access thereto as the Secretary may find necessary to assure the correctness of, and to verify, such reports; Reports and recordkeeping.

"(D) the State mental health authority will— State mental health plan.

"(i) establish and carry out a plan which—

"(I) is designed to eliminate inappropriate placement in institutions of persons with mental health problems, to insure the availability of appropriate noninstitutional services for such persons, and to improve the quality of care for those with mental health problems for whom institutional care is appropriate; and

"(II) shall include fair and equitable arrangements (as determined by the Secretary after consultation with the Secretary of Labor) to protect the interests of employees affected by actions described in subclause (I), including arrangements designed to preserve employee rights and benefits and to provide training and retraining of such employees where necessary and arrangements under which maximum efforts will be made to guarantee the employment of such employees;

"(ii) prescribe and provide for the enforcement of minimum standards for the maintenance and operation of mental health programs and facilities (including community mental health centers) with the State; and

"(iii) provide for assistance to courts and other public agencies and to appropriate private agencies to facilitate (I) screening by community mental health centers (or, if there are no such centers, other appropriate entities) of residents of the State who are being considered for inpatient care in a mental health facility to determine if such care is necessary, and (II) provision of followup care by community mental health centers (or if there are no such centers, by other appropriate entities) for residents of the State who have been discharged from mental health facilities.

"(3) The Secretary shall review annually the activities undertaken by each State with an approved application to determine if the State complied with the assurances provided with the application. The Secretary may not approve an application submitted under paragraph (2) if the Secretary determines— Annual review.

"(A) that the State for which the application was submitted did not comply with assurances provided with a prior application under paragraph (2), and

"(B) that he cannot be assured that the State will comply with the assurances provided with the application under consideration.

"(4) For the purpose of determining the total amount of grants that may be made to the State health and mental authorities of each State, the Secretary shall, in each fiscal year and in accordance with regulations, allot the sums appropriated for such year under paragraph (7) among the States on the basis of the population and the financial need of the respective States. The populations of the States shall be determined on the basis of the latest figures for the population of the States available from the Department of Commerce. Allotment of funds.

"(5) The Secretary shall determine the amount of any grant under paragraph (1); but the amount of grants made in any fiscal year to the public and mental health authorities of any State may not exceed the amount of the State's allotment available for obligation in such fiscal year. Payments under such grants may be made in advance or by way of reimbursement, and at such intervals and on such conditions, as the Secretary finds necessary.

"(6) In any fiscal year—

"(A) not less than 15 per centum of a State's allotment under paragraph (4) shall be made available only for grants under paragraph (1) to the State's mental health authority for the provision of mental health services; and

"(B) not less than—

"(i) 70 per centum of the amount of a State's allotment which is made available for grants to the mental health authority, and

"(ii) 70 per centum of the remainder of the State's allotment,

shall be available only for the provision services in communities of the State.

Appropriation authorization.

"(7)(A) For payments under grants under paragraph (1) there are authorized to be appropriated $100,000,000 for fiscal year 1976, and $110,000,000 for fiscal year 1977.

Appropriation authorization.

"(B) For payments under grants under paragraph (1) for establishing and maintaining programs, described in applications under paragraph (2), for the screening, detection, diagnosis, prevention, and referral for treatment of hypertension there are authorized to be appropriated $15,000,000 for fiscal year 1976, and $15,000,000 for fiscal year 1977.".

TITLE II—FAMILY PLANNING PROGRAMS

Family Planning and Population Research Act of 1975.

SEC. 201. This title may be cited as the "Family Planning and Population Research Act of 1975".

42 USC 300 note.
42 USC 300.

SEC. 202. (a) Section 1001(c) of the Public Health Service Act is amended (1) by striking out "and" after "1973;" and (2) by inserting after "1975" the following: "; $115,000,000 for fiscal year 1976; and $115,000,000 for fiscal year 1977".

42 USC 300a-1.

(b) Section 1003(b) of such Act is amended (1) by striking out "and" after "1973;" and (2) by inserting after "1975" the following: "; $4,000,000 for fiscal year 1976; and $5,000,000 for fiscal year 1977".

42 USC 300a-2.

(c) Section 1004 of such Act is amended to read as follows:

"RESEARCH

Grants and contracts.

"SEC. 1004. (a) The Secretary may—

"(1) conduct, and

"(2) make grants to public or nonprofit private entities and enter into contracts with public or private entities and individuals for projects for,

research in the biomedical, contraceptive development, behavioral, and program implementation fields related to family planning and population.

Appropriation authorization.

"(b)(1) To carry out subsection (a) there are authorized to be appropriated $55,000,000 for fiscal year 1976, and $60,000,000 for fiscal year 1977.

"(2) No funds appropriated under any provision of this Act (other than this subsection) may be used to conduct or support the research described in subsection (a)."

(d) Section 1005(b) of such Act is amended (1) by striking out "and" after "1973;" and (2) by inserting after "1975" the following: "; $2,000,000 for fiscal year 1976; and $2,500,000 for fiscal year 1977". 42 USC 300a-3.

SEC. 203. (a) Title X of such Act is amended by inserting after section 1008 the following new section: 42 USC 300. 42 USC 300a-6.

"PLANS AND REPORTS

"SEC. 1009. (a) Not later than seven months after the close of each fiscal year, the Secretary shall make a report to the Congress setting forth a plan to be carried out over the next five fiscal years for— Report to Congress. 42 USC 300a-6a.

"(1) extension of family planning services to all persons desiring such services,

"(2) family planning and population research programs,

"(3) training of necessary manpower for the programs authorized by this title and other Federal laws for which the Secretary has responsibility and which pertain to family planning, and

"(4) carrying out the other purposes set forth in this title and the Family Planning Services and Population Research Act of 1970. 42 USC 300 note.

"(b) Such a plan shall, at a minimum, indicate on a phased basis—

"(1) the number of individuals to be served by family planning programs under this title and other Federal laws for which the Secretary has responsibility, the types of family planning and population growth information and educational materials to be developed under such laws and how they will be made available, the research goals to be reached under such laws, and the manpower to be trained under such laws;

"(2) an estimate of the costs and personnel requirements needed to meet the purposes of this title and other Federal laws for which the Secretary has responsibility and which pertain to family planning programs; and

"(3) the steps to be taken to maintain a systematic reporting system capable of yielding comprehensive data on which service figures and program evaluations for the Department of Health, Education, and Welfare shall be based.

"(c) Each report submitted under subsection (a) shall—

"(1) compare results achieved during the preceding fiscal year with the objectives established for such year under the plan contained in the previous such report;

"(2) indicate steps being taken to achieve the objectives during the fiscal years covered by the plan contained in such report and any revisions to plans in previous reports necessary to meet these objectives; and

"(3) make recommendations with respect to any additional legislative or administrative action necessary or desirable in carrying out the plan contained in such report."

(b) Section 5 of the Family Planning Services and Population Research Act of 1970 is repealed. Repeal. 42 USC 3505c.

SEC. 204. (a) Section 1001(a) of the Public Health Service Act is amended by striking out "family planning projects" and inserting in lieu thereof "family planning projects which shall offer a broad range of acceptable and effective family planning methods (including natural family planning methods)". 42 USC 300.

Grants and contracts.
42 USC 300.

(b) Section 1001(b) of such Act is amended by adding at the end thereof the following new sentence: "Local and regional entities shall be assured the right to apply for direct grants and contracts under this section, and the Secretary shall by regulation fully provide for and protect such right.".

42 USC 300a-4.

(c) Section 1006(a) of such Act is amended by adding at the end thereof the following new sentence: "The amount of any grant under any section of this title shall be determined by the Secretary; except that no grant under any such section for any program or project for a fiscal year beginning after June 30, 1975, may be made for less than 90 per centum of its costs (as determined under regulations of the Secretary) unless the grant is to be made for a program or project for which a grant was made (under the same section) for the fiscal year ending June 30, 1975, for less than 90 per centum of its costs (as so determined), in which case a grant under such section for that program or project for a fiscal year beginning after that date may be made for a percentage which shall not be less than the percentage of its costs for which the fiscal year 1975 grant was made.".

42 USC 300a-4.

(d) The last sentence of section 1006(c) of such Act is amended by inserting immediately before the period the following: "so as to insure that economic status shall not be a deterrent to participation in the programs assisted under this title".

Penalty.
42 USC 300a-8.

SEC. 205. Any—

(1) officer or employee of the United States,

(2) officer or employee of any State, political subdivision of a State, or any other entity, which administers or supervises the administration of any program receiving Federal financial assistance, or

(3) person who receives, under any program receiving Federal financial assistance, compensation for services,

who coerces or endeavors to coerce any person to undergo an abortion or sterilization procedure by threatening such person with the loss of, or disqualification for the receipt of, any benefit or service under a program receiving Federal financial assistance shall be fined not more than $1,000 or imprisoned for not more than one year, or both.

TITLE III—COMMUNITY MENTAL HEALTH CENTERS

Community Mental Health Centers Amendments of 1975.
42 USC 2689 note.

SEC. 301. This title may be cited as the "Community Mental Health Centers Amendments of 1975".

42 USC 2689 note.

SEC. 302. (a) The Congress finds that—

(1) community mental health care is the most effective and humane form of care for a majority of mentally ill individuals;

(2) the federally funded community mental health centers have had a major impact on the improvement of mental health care by—

(A) fostering coordination and cooperation between various agencies responsible for mental health care which in turn has resulted in a decrease in overlapping services and more efficient utilization of available resources,

(B) bringing comprehensive community mental health care to all in need within a specific geographic area regardless of ability to pay, and

(C) developing a system of care which insures continuity of care for all patients,

and thus are a national resource to which all Americans should enjoy access; and

(3) there is currently a shortage and maldistribution of quality community health care resources in the United States.

(b) The Congress further declares that Federal funds should continue to be made available for the purposes of initiating new and continuing existing community mental health centers and initiating new services within existing centers, and for the monitoring of the performance of all federally funded centers to insure their responsiveness to community needs and national goals relating to community mental health care. Federal funds, availability.

SEC. 303. The Community Mental Health Centers Act is amended to read as follows: 42 USC 2681 note.

"TITLE II—COMMUNITY MENTAL HEALTH CENTERS

"PART A—PLANNING AND OPERATIONS ASSISTANCE

"REQUIREMENTS FOR COMMUNITY MENTAL HEALTH CENTERS

"SEC. 201. (a) For purposes of this title (other than part B thereof), the term 'community mental health center' means a legal entity (1) through which comprehensive mental health services are provided— "Community mental health center." 42 USC 2689.

"(A) principally to individuals residing in a defined geographic area (referred to in this title as a 'catchment area'),

"(B) within the limits of its capacity, to any individual residing or employed in such area regardless of his ability to pay for such services, his current or past health condition, or any other factor, and

"(C) in the manner prescribed by subsection (b), and (2) which is organized in the manner prescribed by subsections (c) and (d).

"(b)(1) The comprehensive mental health services which shall be provided through a community mental health center shall include— Services.

"(A) inpatient services, outpatient services, day care and other partial hospitalization services, and emergency services;

"(B) a program of specialized services for the mental health of children, including a full range of diagnostic, treatment, liaison, and followup services (as prescribed by the Secretary);

"(C) a program of specialized services for the mental health of the elderly, including a full range of diagnostic, treatment, liaison, and followup services (as prescribed by the Secretary);

"(D) consultation and education services which—

"(i) are for a wide range of individuals and entities involved with mental health services, including health professionals, schools, courts, State and local law enforcement and correctional agencies, members of the clergy, public welfare agencies, health services delivery agencies, and other appropriate entities; and

"(ii) include a wide range of activities (other than the provision of direct clinical services) designed to (I) develop effective mental health programs in the center's catchment area, (II) promote the coordination of the provision of mental health services among various entities serving the center's catchment area, (III) increase the awareness of the residents of the center's catchment area of the nature of mental health problems and the types of mental health services available, and (IV) promote the prevention and control of rape and the proper treatment of the victims of rape;

"(E) assistance to courts and other public agencies in screening residents of the center's catchment area who are being considered for referral to a State mental health facility for inpatient treatment to determine if they should be so referred and provision, where appropriate, of treatment for such persons through the center as an alternative to inpatient treatment at such a facility;

"(F) provision of followup care for residents of its catchment area who have been discharged from a mental health facility;

"(G) a program of transitional half-way house services for mentally ill individuals who are residents of its catchment area and who have been discharged from a mental health facility or would without such services require inpatient care in such a facility; and

"(H) provision of each of the following service programs (other than a service program for which there is not sufficient need (as determined by the Secretary) in the center's catchment area, or the need for which in the center's catchment area the Secretary determines is currently being met):

"(i) A program for the prevention and treatment of alcoholism and alcohol abuse and for the rehabilitation of alcohol abusers and alcoholics.

"(ii) A program for the prevention and treatment of drug addiction and abuse and for the rehabilitation of drug addicts, drug abusers, and other persons with drug dependency problems.

"(2) The provision of comprehensive mental health services through a center shall be coordinated with the provision of services by other health and social service agencies (including State mental health facilities) in or serving residents of the center's catchment area to insure that persons receiving services through the center have access to all such health and social services as they may require. The center's services (A) may be provided at the center or satellite centers through the staff of the center or through appropriate arrangements with health professionals and others in the center's catchment area, (B) shall be available and accessible to the residents of the area promptly, as appropriate, and in a manner which preserves human dignity and assures continuity and high quality care and which overcomes geographic, cultural, linguistic, and economic barriers to the receipt of services, and (C) when medically necessary, shall be available and accessible twenty-four hours a day and seven days a week.

Governing body.

"(c)(1)(A) The governing body of a community mental health center (other than a center described in subparagraph (B)) shall (i) be composed, where practicable, of individuals who reside in the center's catchment area and who, as a group, represent the residents of that area taking into consideration their employment, age, sex, and place of residence, and other demographic characteristics of the area, and (ii) meet at least once a month, establish general policies for the center (including a schedule of hours during which services will be provided), approve the center's annual budget, and approve the selection of a director for the center. At least one-half of the members of such body shall be individuals who are not providers of health care.

"(B) In the case of a community mental health center which before the date of enactment of the Community Mental Health Centers Amendments of 1975 was operated by a governmental agency and

42 USC 2688.

received a grant under section 220 (as in effect before such date), the requirements of subparagraph (A) shall not apply with respect to

such center, but the governmental agency operating the center shall appoint a committee to advise it with respect to the operations of the center, which committee shall be composed of individuals who reside in the center's catchment area, who are representative of the residents of the area as to employment, age, sex, place of residence, and other demographic characteristics, and at least one-half of whom are not providers of health care.

"Provider of health care."

"(2) For purposes of subparagraphs (A) and (B) of paragraph (1), the term 'provider of health care' means an individual—

"(A) who is a direct provider of health care (including a physician, dentist, nurse, podiatrist, or physician assistant) in that (i) the individual's primary current activity is the provision of health care to individuals or the administration of facilities or institutions (including hospitals, long-term care facilities, outpatient facilities, and health maintenance organizations) in which such care is provided, and (ii) when required by State law, the individual has received professional training in the provision of such care or in such administration and is licensed or certified for such provision or administration; or

"(B) who is an indirect provider of health care in that the individual—

"(i) holds a fiduciary position with, or has a fiduciary interest in, any entity described in subclause (II) or (IV) of clause (ii);

"(ii) receives (either directly or through his spouse) more than one-tenth of his gross annual income from any one or combination of the following:

"(I) Fees or other compensation for research into or instruction in the provision of health care.

"(II) Entities engaged in the provision of health care or in such research or instruction.

"(III) Producing or supplying drugs or other articles for individuals or entities for use in the provision of, in research into, or instruction in the provision of, health care.

"(IV) Entities engaged in producing drugs or such other articles.

"(iii) is a member of the immediate family of an individual described in subparagraph (A) or in clause (i), (ii), or (iv) of subparagraph (B); or

"(iv) is engaged in issuing any policy or contract of individual or group health insurance or hospital or medical service benefits.

Quality assurance program.

"(d) A center shall have established, in accordance with regulations prescribed by the Secretary, (1) an ongoing quality assurance program (including utilization and peer review systems) respecting the center's services, (2) an integrated medical records system (including a drug use profile) which, in accordance with applicable Federal and State laws respecting confidentiality, is designed to provide access to all past and current information regarding the health status of each patient and to maintain safeguards to preserve confidentiality and to protect the rights of the patient, (3) a professional advisory board, which is composed of members of the center's professional staff, to advise the governing board in establishing policies governing medical and other services provided by such staff on behalf of the center, and (4) an identifiable administrative unit which shall be responsible for providing the consultation and education services described in sub-

Waiver.

section (b)(1)(D). The Secretary may waive the requirements of clause (4) with respect to any center if he determines that because of the size of such center or because of other relevant factors the establishment of the administrative unit described in such clause is not warranted.

"GRANTS FOR PLANNING COMMUNITY MENTAL HEALTH CENTER PROGRAMS

42 USC 2689a.

"SEC. 202. (a) The Secretary may make grants to public and nonprofit private entities to carry out projects to plan community mental health center programs. In connection with a project to plan a community mental health center program for an area the grant recipient shall (1) assess the needs of the area for mental health services, (2) design a community mental health center program for the area based on such assessment, (3) obtain within the area financial and professional assistance and support for the program, and (4) initiate and encourage continuing community involvement in the development and operation of the program. The amount of any grant under this subsection may not exceed $75,000.

"(b) A grant under subsection (a) for a project shall be made for its costs for the one-year period beginning on the first day of the month in which the grant is made; and, if a grant is made under such subsection for a project, no other grant may be made for such project under such subsection.

"(c) The Secretary shall give special consideration to applications submitted for grants under subsection (a) for projects for community mental health centers programs for areas designated by the Secretary as urban or rural poverty areas. No applications for a grant under subsection (a) may be approved unless the application is recommended for approval by the National Advisory Mental Health Council.

Appropriation authorization.

"(d) There are authorized to be appropriated for payments under grants under subsection (a) $3,750,000 for the fiscal year 1976, and $3,750,000 for the fiscal year 1977.

"GRANTS FOR INITIAL OPERATION

42 USC 2689b.

"SEC. 203. (a)(1) The Secretary may make grants to—

"(A) public and nonprofit private community mental health centers, and

"(B) any public or nonprofit private entity which—

"(i) is providing mental health services,

Ante, p. 309.

"(ii) meets the requirements of section 201 except that it is not providing all of the comprehensive mental health services described in subsection (b)(1) of such section, and

"(iii) has a plan satisfactory to the Secretary for the provision of all such services within two years after the date of the receipt of the first grant under this subsection,

to assist them in meeting their costs of operation (other than costs related to construction).

"(2) Grants under subsection (a) may only be made for a grantee's costs of operation during the first eight years after its establishment. In the case of a community mental health center or other entity which

42 USC 2688.

received a grant under section 220 (as in effect before the date of enactment of the Community Mental Health Centers Amendments of 1975), such center or other entity shall, for purposes of grants under subsection (a), be considered as having been in operation for a number of years equal to the sum of the number of grants in the first series

of grants it received under such section and the number of grants it has received under this subsection.

"(b)(1) Each grant under subsection (a) to a community mental health center or other entity shall be made for the costs of its operation for the one-year period beginning on the first day of the month in which such grant is made.

"(2) No community mental health center may receive more than eight grants under subsection (a). No entity described in subsection (a)(1)(B) may receive more than two grants under subsection (a). In determining the number of grants that a community mental health center has received under subsection (a), there shall be included any grants which the center received under such subsection as an entity described in paragraph (1)(B) of such subsection.

"(c) The amount of a grant for any year made under subsection (a) shall be the lesser of the amounts computed under paragraph (1) or (2) as follows:

"(1) An amount equal to the amount by which the grantee's projected costs of operation for that year exceed the total of State, local, and other funds and of the fees, premiums, and third-party reimbursements which the grantee may reasonably be expected to collect in that year.

"(2)(A) Except as provided in subparagraph (B), an amount equal to the following percentages of the grantee's projected costs of operation: 80 per centum of such costs for the first year of its operation, 65 per centum of such costs for the second year of its operation, 50 per centum of such costs for the third year of its operation, 35 per centum of such costs for the fourth year of its operation, 30 per centum of such costs for the fifth and sixth years of its operation, and 25 per centum of such costs for the seventh and eighth years of its operation.

"(B) In the case of a grantee providing services for persons in an area designated by the Secretary as an urban or rural poverty area, an amount equal to the following percentages of the grantee's projected costs of operation: 90 per centum of such costs for the first two years of its operation, 80 per centum of such costs for the third year of its operation, 70 per centum of such costs for the fourth year of its operation, 60 per centum of such costs for the fifth year of its operation, 50 per centum of such costs for the sixth year of its operation, 40 per centum of such costs for the seventh year of its operation, and 30 per centum of such costs for the eighth year of its operation.

In any year in which a grantee receives a grant under section 204 for consultation and education services, the costs of the grantee's operation for that year attributable to the provision of such services and its collections in that year for such services shall be disregarded in making a computation under paragraph (1) or (2) respecting a grant under subsection (a) for that year. *Post*, p. 314.

"(d)(1) There are authorized to be appropriated for payments under initial grants under subsection (a) $50,000,000 for fiscal year 1976, and $55,000,000 for fiscal year 1977. Appropriation authorization.

"(2) For fiscal year 1977, and for each of the succeeding seven fiscal years, there are authorized to be appropriated such sums as may be necessary to make payments under continuation grants under subsection (a) to community mental health centers and other entities which first received an initial grant under this section for fiscal year 1976, or the next fiscal year and which are eligible for a grant under this section

in a fiscal year for which sums are authorized to be appropriated under this paragraph.

"(e)(1) Any entity which has not received a grant under subsection (a), which received a grant under section 220, 242, 243, 251, 256, 264, or 271 of this title (as in effect before the date of enactment of the Community Mental Health Centers Amendments of 1975) from appropriations under this title for a fiscal year ending before July 1, 1975, and which would be eligible for another grant under such section from an appropriation for a succeeding fiscal year if such section were not repealed by the Community Mental Health Centers Amendments of 1975 may, in lieu of receiving a grant under subsection (a) of this section, continue to receive a grant under each such repealed section under which it would be so eligible for another grant—

42 USC 2688, 2688g, 2688h, 2688k, 2688n-1, 2688r, 2688u.

"(A) for the number of years and in the amount prescribed for the grant under each such repealed section, except that—

"(i) the entity may not receive under this subsection more than two grants under any such repealed section unless it meets the requirements of section 201, and

Ante, p. 309.

"(ii) the total amount received for any year (as determined under regulations of the Secretary) under the total of the grants made to the entity under this subsection may not exceed the amount by which the entity's projected costs of operation for that year exceed the total collections of State, local, and other funds and of the fees, premiums, and third-party reimbursements which the entity may reasonably be expected to make in that year; and

"(B) in accordance with any other terms and conditions applicable to such grant.

In any year in which a grantee under this subsection receives a grant under section 204 for consultation and education services, the staffing costs of the grantee for that year which are attributable to the provision of such services and the grantee's collections in that year for such services shall be disregarded in applying subparagraph (A) and the provisions of the repealed section applicable to determining the amount of the grant the grantee may receive under this subsection for that year.

Infra.

"(2) An entity which receives a grant the authority for which is provided by this subsection may not receive any grant under subsection (a).

"(3) There are authorized to be appropriated for fiscal year 1976, and for each of the next six fiscal years such sums as may be necessary to make grants in accordance with paragraph (1).

"(f) Unless otherwise specifically provided, a reference in this title to a grant under section 203 includes a grant under subsection (a) of this section and a grant the authority for which is provided by subsection (e) of this section.

"GRANTS FOR CONSULTATION AND EDUCATION SERVICES

42 USC 2689c.

"SEC. 204. (a)(1) The Secretary may make annual grants to any community mental health center for the costs of providing the consultation and education services described in section 201(b)(1)(D) if the center—

42 USC 2688.

"(A) received from appropriations for a fiscal year ending before July 1, 1975, a staffing grant under section 220 of this title (as in effect before the date of enactment of the Community Mental Health Centers Amendments of 1975) and may not because

of limitations respecting the period for which grants under that section may be made receive under section 203(e) an additional grant under such section 220; or

Ante, p. 312.
42 USC 2688.

"(B) has received or is receiving a grant under section 203 and the number of years in which the center has been in operation (as determined in accordance with section 203(a)(2)) is not less than four (or is not less than two if the Secretary determines that the center will be unable to adequately provide the consultation and education services described in section 201(b)(1)(D) during the third or fourth years of its operation without a grant under this subsection).

Ante, p. 309.

"(2) The Secretary may also make annual grants to a public or non-profit private entity—

"(A) which has not received any grant under this title (other than a grant under this section as amended by the Community Mental Health Centers Amendments of 1975),

"(B) which meets the requirements of section 201 except, in the case of an entity which has not received a grant under this section, the requirement for the provision of consultation and education services described in section 201(b)(1)(D), and

"(C) the catchment area of which is not within (in whole or in part) the catchment area of a community mental health center,

for the costs of providing such consultation and education services.

"(b) The amount of any grant made under subsection (a) shall be determined by the Secretary, but no such grant to a center may exceed the lesser of 100 per centum of such center's costs of providing such consultation and education services during the year for which the grant is made or—

"(1) in the case of each of the first two years for which a center receives such grant, the sum of (A) an amount equal to the product of $0.50 and the population of the center's catchment area, and (B) the lesser of (i) one-half the amount determined under clause (A), or (ii) one-half of the amount received by the center in such year from charges for the provision of such services;

"(2) in the case of the third year for which a center receives such a grant, the sum of (A) an amount equal to the product of $0.50 and the population of the center's catchment area, and (B) the lesser of (i) one-half the amount determined under clause (A), or (ii) one-fourth of the amount received by the center in such year from charges for the provision of such services; and

"(3)(A) except as provided in subparagraph (B), in the case of the fourth year and each subsequent year thereafter for which a center receives such a grant, the lesser of (i) the sum of (I) an amount equal to the product of $0.125 and the population of the center's catchment area, and (II) one-eighth of the amount received by the center in such year from charges for the provision of such services, or (ii) $50,000; or

"(B) in the case of the fourth year and each subsequent year for which a center receives such a grant, the sum of (i) an amount equal to the product of $0.25 and the population of the center's catchment area, and (ii) the lesser of (I) the amount determined under clause (i) of this subparagraph, or (II) one-fourth of the amount received by the center in such year from charges for the provision for such services if the amount of the last grant received by the center under section 220 of this title (as in effect before the date of the enactment of the Community Mental Health Centers Amendments of 1975) or section 203 of this title, as the case

may be, was determined on the basis of the center providing services to persons in an area designated by the Secretary as an urban or rural poverty area.

"Center." For purposes of this subsection, the term 'center' includes an entity which receives a grant under subsection (a)(2).

Appropriation authorization. "(c) There are authorized to be appropriated for payments under grants under this section $10,000,000 for fiscal year 1976, and $15,000,000 for fiscal year 1977.

"CONVERSION GRANTS

42 USC 2689d. "SEC. 205. (a) The Secretary may make not more than two grants to any public or nonprofit entity which—

"(1) has an approved application for a grant under section 203 or 211, and

"(2) can reasonably be expected to have an operating deficit, for the period for which a grant is or will be made under such application, which is greater than the amount of the grant the entity is receiving or will receive under such application,

for the entity's reasonable costs in providing mental health services which are described in section 201(b)(1) but which the entity did not provide before the date of the enactment of the Community Mental Health Centers Amendments of 1975.

Ante, p. 309.

"(b)(1) Each grant under subsection (a) to an entity shall be made for the same period as the period for which the grant under section 203 or 211 for which the entity had an approved application is or will be made.

Ante, p. 312. *Post*, p. 321.

"(2) The amount of any grant under subsection (a) to any entity shall be determined by the Secretary, but no such grant may exceed that part of the entity's projected operating deficit for the year for which the grant is made which is reasonably attributable to its costs of providing in such year the services with respect to which the grant is made. For purposes of this paragraph, the term 'projected operating deficit' means the excess of an entity's projected costs of operation (including the costs of operation related to the provision of services for which a grant may be made under subsection (a)) for a particular period over the total of the amount of State, local, and other funds (including funds under a grant under section 203, 204, or 211) received by the entity in that period and the fees, premiums, and third-party reimbursements which the entity may reasonably be expected to collect during that period.

"Projected operating deficit."

Appropriation authorization. "(c) There are authorized to be appropriated for payments under grants under subsection (a) $20,000,000 for fiscal year 1976, and $20,000,000 for fiscal year 1977.

"GENERAL PROVISIONS RESPECTING GRANTS UNDER THIS PART

42 USC 2689e. "SEC. 206. (a)(1) No grant may be made under this part to any entity or community mental health center in any State unless a State plan for the provision of comprehensive mental health services within such State has been submitted to, and approved by, the Secretary under section 237.

Post, p. 330.

"(b) No grant may be made under this part unless an application (meeting the requirements of subsection (c)) for such grant has been submitted to, and approved by, the Secretary.

Application. "(c)(1) An application for a grant under this part shall be submitted in such form and manner as the Secretary shall prescribe and shall

contain such information as the Secretary may require. Except as provided in paragraph (3), an application for a grant under section 203, 204, or 205 shall contain or be supported by assurances satisfactory to the Secretary that—

Ante, pp. 312, 314, 316.

"(A) the community mental health center for which the application is submitted will provide, in accordance with regulations of the Secretary (i) an overall plan and budget that meets the requirements of section 1861(z) of the Social Security Act, and (ii) an effective procedure for developing, compiling, evaluating, and reporting to the Secretary statistics and other information (which the Secretary shall publish and disseminate on a periodic basis and which the center shall disclose at least annually to the general public) relating to (I) the cost of the center's operation, (II) the patterns of use of its services, (III) the availability, accessibility, and acceptability of its services, (IV) the impact of its services upon the mental health of the residents of its catchment area, and (V) such other matters as the Secretary may require;

42 USC 1395x.

"(B) such community mental health center will, in consultation with the residents of its catchment area, review its program of services and the statistics and other information referred to in subparagraph (A) to assure that its services are responsive to the needs of the residents of the catchment area;

Review.

"(C) to the extent practicable, such community mental health center will enter into cooperative arrangements with health maintenance organizations serving residents of the center's catchment area for the provision through the center of mental health services for the members of such organizations under which arrangements the charges to the health maintenance organizations for such services shall be not less than the actual costs to the center of providing such services;

"(D) in the case of a community mental health center serving a population including a substantial proportion of individuals of limited English-speaking ability, the center has (i) developed a plan and made arrangements responsive to the needs of such population for providing services to the extent practicable in the language and cultural context most appropriate to such individuals, and (ii) identified an individual on its staff who is fluent in both that language and English and whose responsibilities shall include providing guidance to such individuals and to appropriate staff members with respect to cultural sensitivities and bridging linguistic and cultural differences;

Limited English-speaking individuals.

"(E) such community mental health center has (i) established a requirement that the health care of every patient must be under the supervision of a member of the professional staff, and (ii) provided for having a member of the professional staff available to furnish necessary mental health care in case of an emergency;

"(F) such community mental health center has provided appropriate methods and procedures for the dispensing and administering of drugs and biologicals;

"(G) in the case of an application for a grant under section 203 for a community mental health center which will provide services to persons in an area designated by the Secretary as an urban or rural poverty area, the applicant will use the additional grant funds it receives, because it will provide services to persons in such an area, to provide services to persons in such area who are unable to pay therefor;

"(H) such community mental health center will develop a plan for adequate financial support to be available, and will use its best efforts to insure that adequate financial support will be available, to it from Federal sources (other than this part) and non-Federal sources (including, to the maximum extent feasible, reimbursement from the recipients of consultation and education services and screening services provided in accordance with sections 201(b)(1)(D) and 201(b)(1)(E)) so that the center will be able to continue to provide comprehensive mental health services when financial assistance provided under this part is reduced or terminated, as the case may be;

Ante, p. 309.

"(I) such community mental health center (i) has or will have a contractual or other arrangement with the agency of the State, in which it provides services, which administers or supervises the administration of a State plan approved under title XIX of the Social Security Act for the payment of all or a part of the center's costs in providing health services to persons who are eligible for medical assistance under such a State plan, or (ii) has made or will make every reasonable effort to enter into such an arrangement;

42 USC 1396.

Reimbursements.

"(J) such community mental health center has made or will make and will continue to make every reasonable effort to collect appropriate reimbursement for its costs in providing health services to persons who are entitled to insurance benefits under title XVIII of the Social Security Act, to medical assistance under a State plan approved under title XIX of such Act, or to assistance for medical expenses under any other public assistance program or private health insurance program;

42 USC 1395.

Fee schedule.

"(K) such community mental health center (i) has prepared a schedule of fees or payments for the provision of its services designed to cover its reasonable costs of operation and a corresponding schedule of discounts to be applied to the payment of such fees or payments which discounts are adjusted on the basis of the patient's ability to pay; (ii) has made and will continue to make every reasonable effort (I) to secure from patients payment for services in accordance with such approved schedules, and (II) to collect reimbursement for health services to persons described in subparagraph (J) on the basis of the full amount of fees and payments for such services without application of any discount, and (iii) has submitted to the Secretary such reports as he may require to determine compliance with this subparagraph; and

"(L) such community mental health center will adopt and enforce a policy (i) under which fees for the provision of mental health services through the center will be paid to the center, and (ii) which prohibits health professionals who provide such services to patients through the center from providing such services to such patients except through the center.

Ante, p. 312.

An application for a grant under section 203 shall also contain a long-range plan for the expansion of the program of the community mental health center for which the application is submitted for the purpose of meeting anticipated increases in demand by residents of the center's catchment area for the comprehensive mental health services described in section 201(b)(1). Such a plan shall include a description of planned growth in the programs of the center, estimates of increased costs arising from such growth, estimates of the portion of such increased costs to be paid from Federal funds, and anticipated

sources of non-Federal funds to pay the portion of such increased costs not to be paid from Federal funds.

"(2) The Secretary may approve an application for a grant under section 203, 204, or 205 only if the application is recommended for approval by the National Advisory Mental Health Council, the application meets the requirements of paragraph (1), and, except as provided in paragraph (3), the Secretary—

Ante, pp. 312, 314, 316.

"(A) determines that the facilities and equipment of the applicant under the application meet such requirements as the Secretary may prescribe;

"(B) determines that—

"(i) the application contains or is supported by satisfactory assurances that the comprehensive mental health services (in the case of an application for a grant under section 203 or 205) or the consultation and education services (in the case of an application for a grant under section 204) to be provided by the applicant will constitute an addition to, or a significant improvement in quality (as determined in accordance with criteria of the Secretary) of, services that would otherwise be provided in the catchment area of the applicant;

"(ii) the application contains or is supported by satisfactory assurances that Federal funds made available under section 203, 204, or 205, as the case may be, will (I) be used to supplement and, to the extent practical, increase the level of State, local, and other non-Federal funds, including third-party health insurance payments, that would in the absence of such Federal funds be made available for the applicant's comprehensive mental health services, and (II) in no event supplant such State, local, and other non-Federal funds;

"(iii) in the case of an applicant which received a grant from appropriations for the preceding fiscal year, during the year for which the grant was made the applicant met, in accordance with the section under which such grant was made, the requirements of section 201 and complied with the assurances which were contained in or supported the applicant's application for such grant; and

Ante, p. 309.

"(iv) in the case of an application for a grant the amount of which is or may be determined under section 203(c)(2)(B) or 204(b)(3)(B) or under a provision of a repealed section of this title referred to in section 203(e) which authorizes an increase in the ceiling on the amount of a grant to support services to persons in areas designated by the Secretary as urban or rural poverty areas, the application contains or is supported by assurances satisfactory to the Secretary that the services of the applicant will, to the extent feasible, be used by a significant number of persons residing in an area designated by the Secretary as an urban or rural poverty area and requiring such services.

"(3) In the case of an application—

"(A) for the first grant under section 203(a) for an entity described in section 203(a)(1)(B), or

"(B) for the first grant the authority for which is provided by section 203(e),

the Secretary may approve such application without regard to the assurances required by the second sentence of paragraph (1) of this subsection and without regard to the determinations required of the Secretary under paragraph (2) of this subsection if the application

contains or is supported by assurances satisfactory to the Secretary that the applicant will undertake, during the period for which such first grant is to be made, such actions as may be necessary to enable the applicant, upon the expiration of such period, to make each of the assurances required by paragraph (1) and to enable the Secretary, upon the expiration of such period, to make each of the determinations required by paragraph (2).

Evaluation and review.
Ante, pp. 312, 314, 316.

"(4) In each fiscal year for which a community mental health center receives a grant under section 203, 204, or 205, such center shall obligate for a program of continuing evaluation of the effectiveness of its programs in serving the needs of the residents of its catchment area and for a review of the quality of the services provided by the center not less than an amount equal to 2 per centum of the amount obligated by the center in the preceding fiscal year for its operating expenses.

"(5) The costs for which grants may be made under section 203(a), 204, or 205 shall be determined in the manner prescribed in regulations of the Secretary issued after consultation with the National Advisory Mental Health Council.

"(6) If the Secretary determines under section 203, 204, or 205 that an applicant for a grant under such section—

"(A) has not made reasonable efforts to secure payments or reimbursements in accordance with assurances provided under subparagraph (I), (J), or (K) of subsection (c)(1), or

"(B) is capable of increasing the amount of payments or reimbursements described in any such subparagraph,

the Secretary shall, in the case of a determination described in subparagraph (A), inform the applicant of the respects in which the applicant has not made such reasonable efforts and the manner in which the applicant's performance can be improved and, in the case of a determination described in subparagraph (B), inform the applicant of the manner in which the applicant can increase the amount of such payments. The Secretary shall give to an applicant a reasonble opportunity to respond, before the amount of the grant the applicant is applying for is determined, to a determination described in the preceding sentence. A determination of the Secretary referred to in the first sentence shall be referred to the National Advisory Mental Health Council for its review and recommendations.

"(d) An application for a grant under this part which is submitted to the Secretary shall at the same time be submitted to the State mental health authority for the State in which the project or community mental health center for which the application is submitted is located. A State mental health authority which receives such an application under this subsection may review it and submit its comments to the Secretary within the forty-five-day period beginning on the date the application was received by it. The Secretary shall take action to require an applicant to revise his application or to approve or disapprove an application within the period beginning on the date the State mental health authority submits its comments or on the expiration of such forty-five-day period, whichever occurs first, and ending on the ninetieth day following the date the application was submitted to him.

"(e) Not more than 2 per centum of the total amount appropriated under sections 203, 204, and 205 for any fiscal year shall be used by the Secretary to provide directly through the Department technical assistance for program management and for training in program management to community mental health centers which received grants under such sections or to entities which received grants under section 220 of

this title in a fiscal year beginning before the date of the enactment of the Community Mental Health Centers Amendments of 1975. 42 USC 2688.

"(f) For purposes of subsections (b), (c), (d), and (e) of this section, the term 'community mental health center' includes an entity which applies for or has received a grant under section 203 or 204 (a)(2). "Community mental health center." *Ante*, pp. 312, 314.

"PART B—FINANCIAL DISTRESS GRANTS

"GRANT AUTHORITY

"SEC. 211. The Secretary may make grants for the operation of any community mental health center which— 42 USC 2689f.

"(1)(A) received a grant under section 220 of this title (as in effect before the date of enactment of the Community Mental Health Centers Amendments of 1975) and, because of limitations in such section 220 respecting the period for which the center may receive grants under such section 220, is not eligible for further grants under that section for a fiscal year beginning after June 30, 1975; or

"(B) received a grant or grants under section 203(a) of this title and, because of limitations respecting the period for which grants under such section may be made, is not eligible for further grants under that section; and

"(2) demonstrates that without a grant under this section there will be a significant reduction in the types or quality of services provided or there will be an inability to provide the services described in section 201(b). *Ante*, p. 309.

"GRANT REQUIREMENTS

"SEC. 212. (a) No grant may be made under section 211 to any community mental health center in any State unless a State plan for the provision of comprehensive mental health services within such State has been submitted to, and approved by, the Secretary under section 237. Any grant under section 211 may be made upon such terms and conditions as the Secretary determines to be reasonable and necessary, including requirements that the community mental health center agree (1) to disclose any financial information or data deemed by the Secretary to be necessary to determine the sources or causes of that center's financial distress, (2) to conduct a comprehensive cost analysis study in cooperation with the Secretary, (3) to carry out appropriate operational and financial reforms on the basis of information obtained in the course of the comprehensive cost analysis study or on the basis of other relevant information, and (4) to use a grant received under section 211 to enable it to provide (within such period as the Secretary may prescribe) the comprehensive mental health services described in section 201(b) and to revise its organization to meet the requirements of sections 201(c) and 201(d). 42 USC 2689g. *Supra*. *Post*, p. 330.

"(b) An application for a grant under section 211 must contain or be supported by the assurances prescribed by subparagraphs (A), (B), (C), (D), (E), (F), (G), (I), (J), (K), and (L) of section 206(c)(1) and assurances satisfactory to the Secretary that the applicant will expend for its operation as a community mental health center, during the year for which such grant is sought, an amount of funds (other than funds for construction, as determined by the Secretary) from non-Federal sources which is at least as great as the average annual *Ante*, p. 316.

amount of funds expended by such applicant for such purpose (excluding expenditures of a nonrecurring nature) in the three years immediately preceding the year for which such grant is sought. The Secretary may not approve such an application unless it has been recommended for approval by the National Advisory Mental Health Council. The requirements of section 206(d) respecting opportunity for review of applications by State mental health authorities and time limitations on actions by the Secretary on applications shall apply with respect to applications submitted for grants under section 211.

Ante, p. 316.

Ante, p. 321.

"(c) Each grant under this section to a grantee shall be made for the projected costs of operation (except the costs of providing the consultation and education services described in section 201(b)(1)(D)) of such grantee for the one-year period beginning on the first day of the first month in which such grant is made. No community mental health center may receive more than three grants under section 211.

Ante, p. 309.

"(d) The amount of a grant for a community mental health center under section 211 for any year shall be the lesser of the amounts computed under paragraph (1) or (2) as follows:

"(1) An amount equal to the amount by which the center's projected costs of operation for that year exceed the total of State, local, and other funds and of the fees, premiums, and third-party reimbursements which the center may reasonably be expected to collect in that year.

"(2) An amount equal to the product of—

"(A) 90 per centum of the percentage of costs—

"(i) which was the ceiling on the grant last made to the center in the first series of grants it received under section 220 of this title (as in effect before the date of the enactment of the Community Mental Health Centers Amendments of 1975), or

42 USC 2688.

"(ii) prescribed by subsection (c)(2) of section 203 for computation of the last grant to the center under such section,

Ante, p. 313.

whichever grant was made last, and

"(B) the center's projected costs of operation in the year for which the grant is to be made under section 211.

"AUTHORIZATION OF APPROPRIATIONS

42 USC 2689h.

"SEC. 213. There are authorized to be appropriated $15,000,000 for fiscal year 1976, and $15,000,000 for fiscal year 1977 for payments under grants under section 211.

"PART C—FACILITIES ASSISTANCE

"ASSISTANCE AUTHORITY

42 USC 2689i.
Post, p. 327.

"SEC. 221. (a) From allotments made under section 227 the Secretary shall pay, in accordance with this part, the Federal share of projects for (1) the acquisition or remodeling, or both, of facilities for community mental health centers, (2) the leasing (for not more than twenty-five years) of facilities for such centers, (3) the construction of new facilities or expansion of existing facilities for community mental health centers if not less than 25 per centum of the residents of the centers' catchment areas are members of low-income groups (as determined under regulations prescribed by the Secretary), and (4) the initial equipment of a facility acquired, remodeled, leased, con-

structed, or expanded with financial assistance provided under payments under this part. Payments shall not be made for the construction of a new facility or the expansion of an existing one unless the Secretary determines that it is not feasible for the recipient to acquire or remodel an existing facility.

"(b)(1) For purposes of this part, the term 'Federal share' with respect to any project described in subsection (a) means the portion of the cost of such project to be paid by the Federal Government under this part. "Federal share."

"(2) The Federal share with respect to any project described in subsection (a) in a State shall be the amount determined by the State agency of the State, but, except as provided in paragraph (3), the Federal share for any such project may not exceed 66⅔ per centum of the costs of such project or the State's Federal percentage, whichever is the lower. Prior to the approval of the first such project in a State during any fiscal year, the State agency shall give the Secretary written notification of (A) the maximum Federal share, established pursuant to this paragraph, for such projects in such State which the Secretary approves during such fiscal year, and (B) the method for determining the specific Federal share to be paid with respect to any such project; and such maximum Federal share and such method of Federal share determination for such projects in such State during such fiscal year shall not be changed after the approval of the first such project in the State during such fiscal year.

"(3) In the case of any community mental health center which provides or will, upon completion of the project for which application has been made under this part, provide services for persons in an area designated by the Secretary as an urban or rural poverty area, the maximum Federal share determined under paragraph (2) may not exceed 90 per centum of the costs of the project.

"(4)(A) For purposes of paragraph (2), the Federal percentage for (i) Puerto Rico, Guam, American Samoa, and the Virgin Islands shall be 66⅔ per centum, and (ii) any other State shall be 100 per centum less that percentage which bears the same ratio to 50 per centum as the per capita income of such State bears to the average per capita income of all such other States.

"(B) The Federal percentages under clause (ii) of subparagraph (A) shall be promulgated by the Secretary, between October 1 and December 31 of each even-numbered year, on the basis of the average of the per capita incomes of each of the States subject to such Federal percentages and of all the States subject to such percentages for the three most recent consecutive years for which satisfactory data are available from the Department of Commerce. Such promulgation shall be conclusive for each of the two fiscal years in the period beginning July 1 next succeeding such promulgation.

"APPROVAL OF PROJECTS

"SEC. 222. (a) For each project for a community mental health center facility pursuant to a State plan approved under section 237, there shall be submitted to the Secretary, through the State agency of the State, an application by the State or a political subdivision thereof or by a public or other nonprofit agency. If two or more such agencies join in the project, the application may be filed by one or more of such agencies. Such application shall set forth— Application. 42 USC 2689j. *Post*, p. 330.

"(1) a description of the site for such project;

"(2) plans and specifications therefor in accordance with the regulations prescribed by the Secretary under section 236;

Post, p. 329.

"(3) except in the case of a leasing project, reasonable assurance that title to such site is or will be vested in one or more of the agencies filing the application or in a public or nonprofit private agency which is to operate the community mental health center;

"(4) reasonable assurance that adequate financial support will be available for the project and for its maintenance and operation when completed;

"(5) reasonable assurance that all laborers and mechanics employed by contractors or subcontractors in the performance of work on a construction or remodeling project will be paid wages at rates not less than those prevailing on similar construction in the locality as determined by the Secretary of Labor in accordance with the Act of March 3, 1931 (40 U.S.C. 276a—276a-5, known as the Davis-Bacon Act), and the Secretary of Labor shall have with respect to such labor standards the authority and functions set forth in Reorganization Plan Numbered 14 of 1950 (15 F.R. 3176; 5 U.S.C. Appendix) and section 2 of the Act of June 13, 1934 (40 U.S.C. 276c);

5 USC app. II.

"(6) a certification by the State agency of the Federal share for the project; and

Ante, p. 319.

"(7) the assurances described in section 206(c)(2).

Hearing.

Each applicant shall be afforded an opportunity for a hearing before the State agency respecting its application.

"Title."

For purposes of paragraph (3), the term 'title' means a fee simple or such other estate or interest (including a leasehold on which the rental does not exceed 4 per centum of the value of the land) as the Secretary finds sufficient to assure for a period of not less than fifty years undisturbed use and possession for the purposes of acquisition, remodeling, construction, or expansion of a facility and its operation.

"(b) The Secretary shall approve an application submitted in accordance with subsection (a) if—

"(1) sufficient funds to pay the Federal share for the project for which the application was submitted are available from the allotment to the State;

"(2) the Secretary finds that the application meets the applicable requirements of subsection (a) and the community mental health center for which the application was submitted will meet the requirements of the State plan (under section 237) of the State in which the project is located; and

Post, p. 330.

"(3) the Secretary finds that the application has been approved and recommended by the State agency and is entitled to priority over other projects within the State, as determined under the State plan.

Hearing.

No application shall be disapproved by the Secretary until he has afforded the State agency an opportunity for a hearing. The Secretary may not approve an application under this part for a project for a facility for a community mental health center or other entity which received a grant under section 220, 242, 243, 251, 256, 264, or 271 of this title (as in effect before the date of the enactment of the Community Mental Health Centers Amendments of 1975) from appropriations for a fiscal year ending before July 1, 1975, unless the Secretary determines that the application is for a project for a center or entity which upon completion of such project will be able to significantly expand its services and which demonstrates exceptional financial need

42 USC 2688, 2688g, 2688h, 2688k, 2688n-1, 2688r, 2688u.

for assistance under this part for such project. Amendment of any approved application shall be subject to approval in the same manner as an original application.

"PAYMENTS

"SEC. 223. (a)(1) Upon certification to the Secretary by the State agency, based upon inspection by it, that work has been performed upon a remodeling, construction, or expansion project, or purchases for such a project have been made, in accordance with the approved plans and specifications, and that payment of an installment is due to the applicant, such installment shall be paid to the State, from the applicable allotment of such State, except that (1) if the State is not authorized by law to make payments to the applicant, the payment shall be made directly to the applicant, (2) if the Secretary, after investigation or otherwise, has reason to believe that any act (or failure to act) has occurred requiring action pursuant to subsection (c) of this section, payment may, after he has given the State agency notice of opportunity for hearing pursuant to such section, be withheld in whole or in part, pending corrective action or action based on such hearing, and (3) the total payments with respect to such project may not exceed an amount equal to the Federal share of the cost of such project. 42 USC 2689k. Notice and hearing.

"(2) If an amendment to an approved application is approved or the estimated cost of a remodeling, construction, or expansion project is revised upward, any additional payment with respect thereto may be made from the applicable allotment of the State for the fiscal year in which such amendment or revision is approved.

"(b) Payments from a State allotment for acquisition and leasing projects shall be made in accordance with regulations which the Secretary shall promulgate. Regulations.

"(c)(1) If the Secretary finds that—

"(A) a State agency is not substantially complying with the provisions required by section 237 to be in a State plan or with regulations issued under section 236; *Post*, p. 330. *Post*, p. 329.

"(B) any assurance required to be in an application filed under section 222 is not being carried out; *Ante*, p. 323.

"(C) there is substantial failure to carry out plans and specifications approved by the Secretary under section 222; or

"(D) adequate State funds are not being provided annually for the direct administration of a State plan approved under section 237,

the Secretary may take the action authorized under paragraph (2) of this subsection if the finding was made after reasonable notice and opportunity for hearing to the involved State agency. Notice and hearing.

"(2) If the Secretary makes a finding described in paragraph (1), he may notify the involved State agency, which is the subject of the finding or which is connected with a project or State plan which is the subject of the finding, that—

"(A) no further payments will be made to the State from allotments under section 227; or *Post*, p. 327.

"(B) no further payments will be made from allotments under section 227 for any project or projects designated by the Secretary as being affected by the action or inaction referred to in subparagraph (A), (B), (C), or (D) of paragraph (1),

as the Secretary may determine to be appropriate under the circumstances; and, except with regard to any project for which the application has already been approved and which is not directly affected, further payments from such allotments may be withheld, in whole or

in part, until there is no longer any failure to comply (or to carry out the assurance or plans and specifications or to provide adequate State funds, as the case may be) or, if such compliance (or other action) is impossible, until the State repays or arranges for the repayment of Federal moneys to which the recipient was not entitled.

"JUDICIAL REVIEW

42 USC 2689l.

"SEC. 224. If—

Ante, p. 323.

"(1) the Secretary refuses to approve an application for a project submitted under section 222, the State agency through which such application was submitted, or

Ante, p. 325.

"(2) any State is dissatisfied with the Secretary's action under section 223(c) or 237(c), such State,

Post, p. 330.

may appeal to the United States court of appeals for the circuit in which such State agency or State is located, by filing a petition with such court within sixty days after such action. A copy of the petition shall be forthwith transmitted by the clerk of the court to the Secretary, or any officer designated by him for that purpose. The Secretary thereupon shall file in the court the record of the proceedings on which he based his action, as provided in section 2112 of title 28, United States Code. Upon the filing of such petition, the court shall have jurisdiction to affirm the action of the Secretary or to set it aside, in whole or in part, temporarily or permanently, but, until the filing of the record, the Secretary may modify or set aside his order. The findings of the Secretary as to the facts, if supported by substantial evidence, shall be conclusive, but the court, for good cause shown, may remand the case to the Secretary to take further evidence, and the Secretary may thereupon make new or modified findings of facts and may modify his previous action, and shall file in the court the record of the further proceedings. Such new or modified findings of fact shall likewise be conclusive if supported by substantial evidence. The judgment of the court affirming or setting aside, in whole or in part, any action of the Secretary shall be final, subject to review by the Supreme Court of the United States upon certiorari or certification as provided in section 1254 of title 28, United States Code. The commencement of proceedings under this section shall not, unless so specifically ordered by the court, operate as a stay of the Secretary's action.

"RECOVERY

42 USC 2689m.

"SEC. 225. If any facility of a community mental health center acquired, remodeled, constructed, or expanded with funds provided under this part is, at any time within twenty years after the completion of such remodeling, construction, or expansion or after the date of its acquisition with such funds—

"(1) sold or transferred to any person or entity (A) which is not qualified to file an application under section 222, or (B) which is not approved as a transferee by the State agency of the State in which such facility is located, or its successor; or

"(2) not used by a community mental health center in the provision of comprehensive mental health services, and the Secretary has not determined that there is good cause for termination of such use,

the United States shall be entitled to recover from either the transferor or the transferee in the case of a sale or transfer or from the owner in the case of termination of use an amount bearing the same ratio to the

then value (as determined by the agreement of the parties or by action brought in the United States district court for the district in which the center is situated) of so much of such facility or center as constituted an approved project or projects, as the amount of the Federal participation bore to the acquisition, remodeling, construction, or expansion cost of such project or projects. Such right of recovery shall not constitute a lien upon such facility or center prior to judgment.

"NONDUPLICATION

"SEC. 226. No grant may be made under the Public Health Service Act for the remodeling, construction, or expansion of a facility for a community mental health center unless the Secretary determines that there are no funds available under this part for the remodeling, construction, or expansion of such facility. 42 USC 2689n. 42 USC 201 note.

"ALLOTMENTS TO STATES

"SEC. 227. (a) In each fiscal year, the Secretary shall, in accordance with regulations, make allotments, from the sums appropriated under section 228, to the States (with State plans approved under section 237) on the basis of (1) the population, (2) the extent of the need for community mental health centers, and (3) the financial need, of the respective States; except that no such allotment to any State, other than the Virgin Islands, American Samoa, Guam, and the Trust Territory of the Pacific Islands, in any fiscal year may be less than $100,000. Sums so allotted to a State other than the Virgin Islands, American Samoa, Guam, and the Trust Territory of the Pacific Islands, in a fiscal year and remaining unobligated at the end of such year shall remain available to such State for such purpose in the next fiscal year (and in such year only), in addition to the sums allotted for such State in such next fiscal year. Sums so allotted to the Virgin Islands, American Samoa, Guam, or the Trust Territory of the Pacific Islands in a fiscal year and remaining unobligated at the end of such year shall remain available to such State for such purpose in the next two fiscal years (and in such years only), in addition to the sums allotted to such State for such purpose in each of such next two fiscal years. 42 USC 2689o. *Infra.* *Post*, p. 330.

"(b) The amount of an allotment under subsection (a) to a State in a fiscal year which the Secretary determines will not be required by the State during the period for which it is available for the purpose for which allotted shall be available for reallotment by the Secretary from time to time, on such date or dates as he may fix, to other States with respect to which such a determination has not been made, in proportion to the original allotments of such States for such fiscal year, but with such proportionate amount for any of such other States being reduced to the extent it exceeds the sum the Secretary estimates such State needs and will be able to use during such period; and the total of such reductions shall be similarly reallotted among the States whose proportionate amounts were not so reduced. Any amount so reallotted to a State in a fiscal year shall be deemed to be a part of its allotment under subsection (a) in such fiscal year.

"AUTHORIZATION OF APPROPRIATIONS

"SEC. 228. There are authorized to be appropriated $5,000,000 for fiscal year 1976, and $5,000,000 for fiscal year 1977, for allotments under section 227. 42 USC 2689p.

"PART D—RAPE PREVENTION AND CONTROL

"RAPE PREVENTION AND CONTROL

National Center for the Prevention and Control of Rape. Establishment. 42 USC 2689q.

"SEC. 231. (a) The Secretary shall establish within the National Institute of Mental Health an identifiable administrative unit to be known as the National Center for the Prevention and Control of Rape (hereinafter in this section referred to as the 'Center').

Grants for study and investigation.

"(b) (1) The Secretary, acting through the Center, may, directly or by grant, carry out the following:

"(A) A continuing study of rape, including a study and investigation of—

"(i) the effectiveness of existing Federal, State, and local laws dealing with rape;

"(ii) the relationship, if any, between traditional legal and social attitudes toward sexual roles, the act of rape, and the formulation of laws dealing with rape;

"(iii) the treatment of the victims of rape by law enforcement agencies, hospitals or other medical institutions, prosecutors, and the courts;

"(iv) the causes of rape, identifying to the degree possible—

"(I) social conditions which encourage sexual attacks, and

"(II) the motives of offenders, and

"(v) the impact of rape on the victim and the family of the victim;

"(vi) sexual assaults in correctional institutions;

"(vii) the actual incidence of forcible rape as compared to the reported incidence of forcible rape and the reasons for any difference in such incidences; and

"(viii) the effectiveness of existing private and local and State government educational, counseling, and other programs designed to prevent and control rape.

"(B) The compilation, analysis, and publication of summaries of the continuing study conducted under subparagraph (A) and the research and demonstration projects conducted under subparagraph (E). The Secretary shall annually submit to the Congress a summary of such study and projects together with recommendations where appropriate.

Summary, submittal to Congress.

Information clearinghouse.

"(C) The development and maintenance of an information clearinghouse with regard to—

"(i) the prevention and control of rape;

"(ii) the treatment and counseling of the victims of rape and their families; and

"(iii) the rehabilitation of offenders.

"(D) The compilation and publication of training materials for personnel who are engaged or intend to engage in programs designed to prevent and control rape.

"(E) Assistance to community mental health centers and other qualified public and nonprofit private entities in conducting research and demonstration projects concerning the prevention and control of rape, including projects (i) for the planning, developing, implementing, and evaluating of alternative methods used in the prevention and control of rape, the treatment and counseling of the victims of rape and their families, and the rehabilitation of offenders; (ii) for the application of such alternative

methods; and (iii) for the promotion of community awareness of the specific locations in which, and the specific social and other conditions under which, sexual attacks are most likely to occur.

"(F) Assistance to community mental health centers in meeting the costs of providing consultation and education services respecting rape.

"(2) For purposes of this subsection, the term 'rape' includes statutory and attempted rape and any other criminal sexual assault (whether homosexual or heterosexual) which involves force or the threat of force. "Rape."

"(c) The Secretary shall appoint an advisory committee to advise, consult with, and make recommendations to him on the implementation of subsection (b). The Secretary shall appoint to such committee persons who are particularly qualified to assist in carrying out the functions of the committee. A majority of the members of the committee shall be women. Members of the advisory committee shall receive compensation at rates, not to exceed the daily equivalent of the annual rate in effect for grade GS–18 of the General Schedule, for each day (including traveltime) they are engaged in the performance of their duties as members of the advisory committee and, while so serving away from their homes or regular places of business, each member shall be allowed travel expenses, including per diem in lieu of subsistence, in the same manner as authorized by section 5703 of title 5, United States Code, for persons in Government service employed intermittently. Advisory committee, appointment. Compensation and travel expenses. 5 USC 5332 note.

"(d) For the purpose of carrying out subsection (b), there are authorized to be appropriated $7,000,000 for fiscal year 1976, and $10,000,000 for fiscal year 1977. Appropriation authorization.

"PART E—GENERAL PROVISIONS

"DEFINITIONS

"SEC. 235. For purposes of this title— 42 USC 2689r.

"(1) The term 'State' includes the Commonwealth of Puerto Rico, Guam, American Samoa, the Virgin Islands, the Trust Territory of the Pacific Islands, and the District of Columbia.

"(2) The term 'State agency' means the State mental health authority for which grants are authorized under section 314(d) of the Public Health Service Act. 42 USC 246.

"(3) The term 'Secretary' means the Secretary of Health, Education, and Welfare.

"(4) The term 'National Advisory Mental Health Council' means the National Advisory Mental Health Council established under section 217 of the Public Health Service Act. 42 USC 218.

"REGULATIONS

"SEC. 236. Regulations issued by the Secretary for the administration of this title shall include provisions applicable uniformly to all the States which— 42 USC 2689s.

"(1) prescribe the general manner in which the State agency of a State shall determine the priority of projects for community mental health centers on the basis of the relative need of the different areas of the State for such centers and their services and require special consideration for projects on the basis of the extent to which a center to be assisted or established upon completion of a

project (A) will, alone or in conjunction with other centers owned or operated by the applicant for the project or affiliated or associated with such applicant, provide comprehensive mental health services for residents of a particular community or communities, or (B) will be part of or closely associated with a general hospital;

"(2) prescribe general standards for facilities and equipment for centers of different classes and in different types of location; and

"(3) require that the State plan of a State submitted under section 237 provide for adequate community mental health centers for people residing in the State, and provide for adequate community mental health centers to furnish needed services for persons unable to pay therefor.

Consultation.

The National Advisory Mental Health Council shall be consulted by the Secretary before the issuance of regulations under this section.

"STATE PLAN

Contents.
42 USC 2689t.

"SEC. 237. (a) A State plan for the provision of comprehensive mental health services within a State shall be comprised of the following two parts:

Administration.

"(1) An administrative part containing provisions respecting the administration of the plan and related matters. Such part shall—

"(A) provide for the designation of a State advisory council to consult with the State agency in administering such plan, which council shall include (i) representatives of nongovernment organizations or groups, and of State agencies, concerned with the planning, operation, or use of community mental health centers or other mental health facilities, and (ii) representatives of consumers and providers of the services of such centers and facilities who are familiar with the need for such services;

"(B) provide that the State agency will make such reports in such form and containing such information as the Secretary may from time to time reasonably require, and will keep such records and afford such access thereto as the Secretary may find necessary to assure the correctness and verification of such reports;

"(C) provide that the State agency will from time to time, but not less often than annually, review the State plan and submit to the Secretary appropriate modifications thereof which it considers necessary; and

"(D) include provisions, meeting such requirements as the Civil Service Commission may prescribe, relating to the establishment and maintenance of personnel standards on a merit basis.

Services and facilities.

"(2) A services and facilities part containing provisions respecting services to be offered within the State by community mental health centers and provisions respecting facilities for such centers. Such part shall—

42 USC 300m-3.
42 USC 246.

"(A) be consistent with the provisions of the State plan prepared in accordance with section 1524(c)(2) of the Public Health Service Act or the State plan approved under section 314(a) of such Act, whichever is applicable, relating to the provision of mental health services;

"(B) set forth a program for community mental health centers within the State (i) which is based on a statewide inven-

tory of existing facilities and a survey of need for the comprehensive mental health services described in section 201(b); (ii) which conforms with regulations prescribed by the Secretary under section 236; and (iii) which shall provide for adequate community mental health centers to furnish needed services for persons unable to pay therefor; *Ante*, p. 309. *Ante*, p. 329.

"(C) set forth the relative need, determined in accordance with the regulations prescribed under section 236, for the projects included in the program described in subparagraph (B), and, in the case of projects under part C, provide for the completion of such projects in the order of such relative need;

"(D) emphasize the provision of outpatient services by community mental health centers as a preferable alternative to inpatient hospital services; and

"(E) provide minimum standards (to be fixed in the discretion of the State) for the maintenance and operation of centers which receive Federal aid under this title and provide for enforcement of such standards with respect to projects approved by the Secretary under this title.

"(b) The State agency shall administer or supervise the administration of the State plan.

"(c) A State shall submit a State plan in such form and manner as the Secretary shall by regulation prescribe. The Secretary shall approve any State plan (and any modification thereof) which complies with the requirements of subsection (a). The Secretary shall not finally disapprove a State plan except after reasonable notice and opportunity for a hearing to the State. Submission and approval.

"(d)(1) At the request of any State, a portion of any allotment or allotments of such State under section 227 for any fiscal year shall be available to pay one-half (or such smaller share as the State may request) of the expenditures found necessary by the Secretary for the proper and efficient administration of the provisions of the State plan approved under this section which relate to projects under part C for facilities for community mental health centers; except that not more than 5 per centum of the total of the allotments of such State for any fiscal year, or $50,000, whichever is less, shall be available for such purpose. Amounts made available to any State under this paragraph from its allotment or allotments under section 227 for any fiscal year shall be available only for such expenditures (referred to in the preceding sentence) during such fiscal year or the following fiscal year. Payments of amounts due under this paragraph may be made in advance or by way of reimbursement, and in such installments, as the Secretary may determine. *Ante*, p. 327. *Ante*, p. 322.

"(2) Any amount paid under paragraph (1) to any State for any fiscal year for administration of the provisions of an approved State plan shall be paid on condition that there shall be expended from State sources for each year for administration of such provisions not less than the total amount expended for such purposes from such sources during the fiscal year ending June 30, 1968.

"CATCHMENT AREA REVIEW

"SEC. 238. Each State health planning and development agency designated for a State under section 1521 of the Public Health Service Act shall, in consultation with that State's mental health authority, periodically review the catchment areas of the community mental health centers located in that State to (1) insure that the sizes of 42 USC 2689u. 42 USC 300m.

such areas are such that the services to be provided through the centers (including their satellites) serving the areas are available and accessible to the residents of the areas promptly, as appropriate, (2) insure that the boundaries of such areas conform, to the extent practicable, with relevant boundaries of political subdivisions, school districts, and Federal and State health and social service programs, and (3) insure that the boundaries of such areas eliminate, to the extent possible, barriers to access to the services of the centers serving the areas, including barriers resulting from an area's physical characteristics, its residential patterns, its economic and social groupings, and available transportation.

"STATE CONTROL OF OPERATIONS

42 USC 2689v. "SEC. 239. Except as otherwise specifically provided, nothing in this title shall be construed as conferring on any Federal officer or employee the right to exercise any supervision or control over the administration, personnel, maintenance, or operation of any community mental health center with respect to which any funds have been or may be expended under this title.

"RECORDS AND AUDIT

42 USC 2689w. "SEC. 240. (a) Each recipient of assistance under this title shall keep such records as the Secretary shall prescribe, including records which fully disclose the amount and disposition by such recipient of the proceeds of such assistance, the total cost of the project or undertaking in connection with which such assistance is given or used, and the amount of that portion of the cost of the project or undertaking supplied by other sources, and such other records as will facilitate an effective audit.

"(b) The Secretary and the Comptroller General of the United States, or any of their duly authorized representatives, shall have access for the purpose of audit and examination to any books, documents, papers, and records of the recipients that are pertinent to the assistance received under this title.

"NONDUPLICATION

42 USC 2689x. "SEC. 241. In determining the amount of any grant under part A, B, or C for the costs of any project there shall be excluded from such costs an amount equal to the sum of (1) the amount of any other Federal grant which the applicant for such grant has obtained, or is assured of obtaining, with respect to such project, and (2) the amount of any non-Federal funds required to be expended as a condition of such other Federal grant.

"DETERMINATION OF POVERTY AREA

42 USC 2689y. "SEC. 242. For purposes of any determination by the Secretary under this title as to whether any urban or rural area is a poverty area, the Secretary may not determine that an area is an urban or rural poverty area unless—

"(1) such area contains one or more subareas which are characterized as subareas of poverty;

"(2) the population of such subarea or subareas constitutes a substantial portion of the population of such rural or urban area; and

"(3) the project, facility, or activity, in connection with which such determination is made, does, or (when completed or put into operation) will, serve the needs of the residents of such subarea or subareas.

"PROTECTION OF PERSONAL RIGHTS

"SEC. 243. In making grants under parts A and B, the Secretary shall take such steps as may be necessary to assure that no individual shall be made the subject of any research involving surgery which is carried out (in whole or in part) with funds under such grants unless such individual explicitly agrees to become a subject of such research. 42 USC 2689z. *Ante*, pp. 309, 321.

"REIMBURSEMENT

"SEC. 244. The Secretary shall, to the extent permitted by law, work with States, private insurers, community mental health centers, and other appropriate entities to assure that community mental health centers shall be eligible for reimbursement for their mental health services to the same extent as general hospitals and other licensed providers. 42 USC 2689aa.

"SHORT TITLE

"SEC. 245. This title may be cited as the 'Community Mental Health Centers Act'.". 42 USC 2689 note.

REPORT

SEC. 304. (a) Not later than one year after the date of the enactment of this Act the Secretary of Health, Education, and Welfare shall make a report to the Committee on Interstate and Foreign Commerce of the House of Representatives and the Committee on Labor and Public Welfare of the Senate setting forth a plan, to be carried out in a period of five years, for the extension of comprehensive mental health services through community mental health centers to persons in all areas in which there is a demonstrated need for such services. Such plan shall, at a minimum, indicate on a phased basis the number of persons to be served by such services and an estimate of the cost and personnel requirements needed to provide such services. 42 USC 2689 note.

(b) Not later than eighteen months after the date of the enactment of this Act the Secretary of Health, Education, and Welfare shall submit to the Committee on Interstate and Foreign Commerce of the House of Representatives and the Committee on Labor and Public Welfare of the Senate a report setting forth (1) national standards for care provided by community mental health centers, and (2) criteria for evaluation of community mental health centers and the quality of the services provided by the centers.

CONFORMING AMENDMENTS

SEC. 305. (a) Section 401 of the Mental Retardation Facility and Community Mental Health Centers Construction Act of 1963 is amended— 42 USC 2691.

(1) by striking out paragraph (c);

(2) by amending paragraph (d) to read as follows: Definitions.

"(d) The terms 'nonprofit facility for persons with developmental disabilities' and 'nonprofit private institution of higher learning' mean, respectively, a facility for persons with developmental disabilities and an institution of higher learning which is owned and operated by one or more nonprofit corporations or associations no part of the net

earnings of which inures, or may lawfully inure, to the benefit of any private shareholder or individual; and the term 'nonprofit private agency or organization' means an agency or organization which is such a corporation or association or which is owned and operated by one or more of such corporations or associations."; and

(3) by—

(A) striking out "or part A of title II" in paragraph (h)(1),

42 USC 2691.

(B) by striking out in paragraph (h)(2) "(A)" and "; and (B) for any project under part A of title II may not exceed 66⅔ per centum of the costs of construction of such project or the State's Federal percentage, whichever is the lower", and

(C) by striking out "or under part A of title II" in paragraph (h)(3).

42 USC 2693. (b) Section 403 of such Act is amended—

(1) by striking out ", or section 204 in the case of a community mental health center," in subsection (a),

(2) by striking out "or section 206, as the case may be," in such subsection,

(3) by striking out "or 205" in subsection (b), and

(4) by striking out the second sentence of subsection (c)(1).

42 USC 2694. (c) Section 404 is amended by striking out "or 205", "or 204(b)", and "or 206".

42 USC 2695. (d) Section 405 is amended—

(1) by striking out "or 205" in paragraph (1)(A),

(2) by striking out "or section 204 (in case of a community mental health center)" in such paragraph,

(3) by striking out "or community mental health center, as the case may be," in paragraph (2),

(4) by striking out "or such center as a community mental health center" in such paragraph,

(5) by striking out "or center" each place it occurs in the matter following paragraph (2), and

(6) by striking out "or community mental health center" in such matter.

42 USC 2696. (e) Section 406 is amended by striking out "or community mental health center".

TITLE IV—MIGRANT HEALTH CENTERS

MIGRANT HEALTH CENTERS

42 USC 247d. SEC. 401. (a) Section 319 of the Public Health Service Act is amended to read as follows:

"MIGRANT HEALTH

Definitions. "SEC. 319. (a) For purposes of this section:

"(1) The term 'migrant health center' means an entity which either through its staff and supporting resources or through contracts or cooperative arrangements with other public or private entities provides—

"(A) primary health services,

"(B) as may be appropriate for particular centers, supplemental health services necessary for the adequate support of primary health services,

"(C) referral to providers of supplemental health services and payment, as appropriate and feasible, for their provision of such services,

"(D) environmental health services, including, as may be appropriate for particular centers, the detection and alleviation of unhealthful conditions associated with water supply, sewage treatment, solid waste disposal, rodent and parasitic infestation, field sanitation, housing, and other environmental factors related to health,

"(E) as may be appropriate for particular centers, infectious and parasitic disease screening and control,

"(F) as may be appropriate for particular centers, accident prevention programs, including prevention of excessive pesticide exposure, and

"(G) information on the availability and proper use of health services,

for migratory agricultural workers, seasonal agricultural workers, and the members of the families of such migratory and seasonal workers, within the area it serves (referred to in this section as a 'catchment area').

"(2) The term 'migratory agricultural worker' means an individual whose principal employment is in agriculture on a seasonal basis, who has been so employed within the last twenty-four months, and who establishes for the purposes of such employment a temporary abode.

"(3) The term 'seasonal agricultural workers' means an individual whose principal employment is in agriculture on a seasonal basis and who is not a migratory agricultural worker.

"(4) The term 'agriculture' means farming in all its branches, including—

"(A) cultivation and tillage of the soil,

"(B) the production, cultivation, growing, and harvesting of any commodity grown on, in, or as an adjunct to or part of a commodity grown in or on, the land, and

"(C) any practice (including preparation and processing for market and delivery to storage or to market or to carriers for transportation to market) performed by a farmer or on a farm incident to or in conjunction with an activity described in subparagraph (B).

"(5) The term 'high impact area' means a health service area or other area which has not less than six thousand migratory agricultural workers and seasonal agricultural workers residing within its boundaries for more than two months in any calendar year. In computing the number of workers residing in an area, there shall be included as workers the members of the families of such workers.

"(6) The term 'primary health services' means—

"(A) services of physicians and, where feasible, services of physicians' assistants and nurse clinicians;

"(B) diagnostic laboratory and radiologic services;

"(C) preventive health services (including children's eye and ear examinations to determine the need for vision and hearing correction, perinatal services, well child services, and family planning services);

"(D) emergency medical services;

"(E) transportation services as required for adequate patient care; and

"(F) preventive dental services.

"(7) The term 'supplemental health services' means services which are not included as primary health services and which are—

"(A) hospital services;

"(B) home health services;

"(C) extended care facility services;

"(D) rehabilitative services (including physical therapy) and long-term physical medicine;

"(E) mental health services;

"(F) dental services;

"(G) vision services;

"(H) allied health services;

"(I) pharmaceutical services;

"(J) therapeutic radiologic services;

"(K) public health services (including nutrition education and social services);

"(L) health education services; and

"(M) services which promote and facilitate optimal use of primary health services and the services referred to in the preceding subparagraphs of this paragraph, including, if a substantial number of the individuals in the population served by a migrant health center are of limited English-speaking ability, the services of outreach workers fluent in the language spoken by a predominant number of such individuals.

Priority areas.

"(b)(1) The Secretary shall assign to high impact areas and any other areas (where appropriate) priorities for the provision of assistance under this section to projects and programs in such areas. The highest priorities for such assistance shall be assigned to areas in which reside the greatest number of migratory agricultural workers and the members of their families for the longest period of time.

"(2) No application for a grant under subsection (c) or (d) for a project in an area which has no migratory agricultural workers may be approved unless grants have been provided for all approved applications under such subsections for projects in areas with migratory agricultural workers.

Grants.

"(c)(1)(A) The Secretary may, in accordance with the priorities assigned under subsection (b)(1), make grants to public and nonprofit private entities for projects to plan and develop migrant health centers which will serve migratory agricultural workers, seasonal agricultural workers, and the members of the families of such migratory and seasonal workers, in high impact areas. A project for which a grant may be made under this subparagraph may include the cost of the acquisition and modernization of existing buildings (including the costs of amortizing the principal of, and paying the interest on, loans) and the costs of providing training related to the management of migrant health center programs, and shall include—

"(i) an assessment of the need that the workers (and the members of the families of such workers) proposed to be served by the migrant health center for which the project is undertaken have for primary health services, supplemental health services, and environmental health services;

"(ii) the design of a migrant health center program for such workers and the members of their families, based on such assessment;

"(iii) efforts to secure, within the proposed catchment area of such center, financial and professional assistance and support for the project; and

"(iv) initiation and encouragement of continuing community involvement in the development and operation of the project.

"(B) The Secretary may make grants to or enter into contracts with public and nonprofit private entities for projects to plan and develop programs in areas in which no migrant health center exists and in which not more than six thousand migratory agricultural workers and their families reside for more than two months—

"(i) for the provision of emergency care to migratory agricultural workers, seasonal agricultural workers, and the members of families of such migratory and seasonal workers;

"(ii) for the provision of primary care (as defined in regulations of the Secretary) for such workers and the members of their families;

"(iii) for the development of arrangements with existing facilities to provide primary health services (not included as primary care as defined under regulations under clause (ii)) to such workers and the members of their families; or

"(iv) which otherwise improve the health of such workers and their families.

Any such program may include the acquisition and modernization of existing buildings and providing training related to the management of programs assisted under this subparagraph.

"(2) Not more than two grants may be made under paragraph (1)(A) for the same project, and if a grant or contract is made or entered into under paragraph (1)(B) for a project, no other grant or contract under that paragraph may be made or entered into for the project.

"(3) The amount of any grant made under paragraph (1) for any project shall be determined by the Secretary.

"(d)(1)(A) The Secretary may, in accordance with priorities assigned under subsection (b)(1), make grants for the costs of operation of public and nonprofit private migrant health centers in high impact areas. Grants.

"(B) The Secretary may, in accordance with priorities assigned under subsection (b)(1), make grants for the costs of the operation of public and nonprofit entities which intend to become migrant health centers, which provide health services in high impact areas to migratory agricultural workers, seasonal agricultural workers, and the members of the families of such migratory and seasonal workers, but with respect to which he is unable to make each of the determinations required by subsection (f)(2). Not more than two grants may be made under this subparagraph for any entity.

"(C) The Secretary may make grants to and enter into contracts with public and nonprofit private entities for projects for the operation of programs in areas in which no migrant health center exists and in which not more than six thousand migratory agricultural workers and their families reside for more than two months—

"(i) for the provision of emergency care to migratory agricultural workers, seasonal agricultural workers, and the members of the families of such migratory and seasonal workers;

"(ii) for the provision of primary care (as defined in regulations of the Secretary) for such workers and the members of their families;

"(iii) for the development of arrangements with existing facilities to provide primary health services (not included as primary care as defined under regulations under clause (ii)) to such workers and the members of their families; or

"(iv) which otherwise improve the health of such workers and the members of their families.

Any such program may include the acquisition and modernization of existing buildings and providing training related to the management of programs assisted under this subparagraph.

"(2) The costs for which a grant may be made under paragraph (1)(A) or (1)(B) may include the costs of acquiring and modernizing existing buildings (including the costs of amortizing the principal of, and paying the interest on, loans); and the costs for which a grant or contract may be made under paragraph (1) may include the costs of providing training related to the provision of primary health services, supplemental health services, and environmental health services, and to the management of migrant health center programs.

"(3) The amount of any grant made under paragraph (1) shall be determined by the Secretary.

Contracts.

"(e) The Secretary may enter into contracts with public and private entities to—

"(1) assist the States in the implementation and enforcement of acceptable environmental health standards, including enforcement of standards for sanitation in migrant labor camps and applicable Federal and State pesticide control standards; and

"(2) conduct projects and studies to assist the several States and entities which have received grants or contracts under this section in the assessment of problems related to camp and field sanitation, pesticide hazards, and other environmental health hazards to which migratory agricultural workers, seasonal agricultural workers, and members of their families are exposed.

Application.

"(f)(1) No grant may be made under subsection (c) or (d) and no contract may be entered into under subsection (c)(1)(B), (d)(1)(C), or (e) unless an application therefore is submitted to, and approved by, the Secretary. Such an application shall be submitted in such form and manner and shall contain such information as the Secretary shall prescribe. An application for a grant or contract which will cover the costs of modernizing a building shall include, in addition to other information required by the Secretary—

"(A) a description of the site of the building,

"(B) plans and specifications for its modernization, and

"(C) reasonable assurance that all laborers and mechanics employed by contractors or subcontractors in the performance of work on the modernization of the building will be paid wages at rates not less than those prevailing on similar work in the locality as determined by the Secretary of Labor in accordance with the Act of March 3, 1931 (40 U.S.C. 276a—276a-5, known as the Davis-Bacon Act).

The Secretary of Labor shall have with respect to the labor standards referred to in subparagraph (C) the authority and functions set forth in Reorganization Plan Numbered 14 of 1950 (15 F.R. 3176; 5 U.S.C. Appendix) and section 2 of the Act of June 13, 1934 (40 U.S.C. 276c).

5 USC app. II.

"(2) The Secretary may not approve an application for a grant under subsection (d)(1)(A) unless the Secretary determines that the entity for which the application is submitted is a migrant health center (within the meaning of subsection (a)(1)) and that—

"(A) the primary health services of the center will be available and accessible in the center's catchment area promptly, as appropriate, and in a manner which assures continuity;

"(B) the center will have organizational arrangements, established in accordance with regulations of the Secretary, for (i) an ongoing quality assurance program (including utilization and peer review systems) respecting the center's services, and (ii) maintaining the confidentiality of patient records;

"(C) the center will demonstrate its financial responsibility by the use of such accounting procedures and other requirements as may be prescribed by the Secretary;

"(D) the center (i) has or will have a contractual or other arrangement with the agency of the State, in which it provides services, which administers or supervises the administration of a State plan approved under title XIX of the Social Security Act for the payment of all or a part of the center's costs in providing health services to persons who are eligible for medical assistance under such a State plan, or (ii) has made or will make every reasonable effort to enter into such an arrangement; 42 USC 1396.

"(E) the center has made or will make and will continue to make every reasonable effort to collect appropriate reimbursement for its costs in providing health services to persons who are entitled to insurance benefits under title XVIII of the Social Security Act, to medical assistance under a State plan approved under title XIX of such Act, or to assistance for medical expenses under any other public assistance program or private health insurance program; 42 USC 1395.

"(F) the center (i) has prepared a schedule of fees or payments for the provision of its services designed to cover its reasonable costs of operation and a corresponding schedule of discounts to be applied to the payment of such fees or payments, which discounts are adjusted on the basis of the patient's ability to pay, (ii) has made and will continue to make every reasonable effort (I) to secure from patients payment for services in accordance with such schedules, and (II) to collect reimbursement for health services to persons described in subparagraph (E) on the basis of the full amount of fees and payments for such services without application of any discount, and (iii) has submitted to the Secretary such reports as he may require to determine compliance with this subparagraph; Fee schedule.

"(G) the center has established a governing board which (i) is composed of individuals a majority of whom are being served by the center and who, as a group, represent the individuals being served by the center, and (ii) establishes general policies for the center (including the selection of services to be provided by the center and a schedule of hours during which services will be provided), approves the center's annual budget, and approves the selection of a director for the center; Governing board.

"(H) the center has developed, in accordance with regulations of the Secretary, (i) an overall plan and budget that meets the requirements of section 1861(z) of the Social Security Act, and (ii) an effective procedure for compiling and reporting to the Secretary such statistics and other information as the Secretary may require relating to (I) the costs of its operations, (II) the patterns of use of its services, (III) the availability, accessibility, and acceptability of its services, and (IV) such other matters relating to operations of the applicant as the Secretary may, by regulation, require; 42 USC 1395x.

Review.

"(I) the center will review periodically its catchment area to (i) insure that the size of such area is such that the services to be provided through the center (including any satellite) are available and accessible to the migratory agricultural workers, seasonal agricultural workers, and the members of the families of such migratory and seasonal workers, in the area promptly and as appropriate, (ii) insure that the boundaries of such area conform, to the extent practicable, to relevant boundaries of political subdivisions, school districts, and Federal and State health and social service programs, and (iii) insure that the boundaries of such area eliminate, to the extent possible, barriers to access to the services of the center, including barriers resulting from the area's physical characteristics, its residential patterns, its economic and social groupings, and available transportation; and

Limited English-speaking individuals.

"(J) in the case of a center which serves a population including a substantial proportion of individuals of limited English-speaking ability, the center has (i) developed a plan and made arrangements responsive to the needs of such population for providing services to the extent practicable in the language and cultural context most appropriate to such individuals, and (ii) identified an individual on its staff who is fluent in both that language and English and whose responsibilities shall include providing guidance to such individuals and to appropriate staff members with respect to cultural sensitivities and bridging linguistic and cultural differences.

Application priorities.

"(3) In considering applications for grants and contracts under subsection (c) or (d)(1)(C), the Secretary shall give priority to applications submitted by community-based organizations which are representative of the populations to be served through the projects, programs, or centers to be assisted by such grants or contracts.

"(4) Contracts may be entered into under this section without regard to sections 3648 and 3709 of the Revised Statutes (31 U.S.C. 529; 41 U.S.C. 5).

"(g) The Secretary may provide (either through the Department of Health, Education, and Welfare or by grant or contract) all necessary technical and other nonfinancial assistance (including fiscal and program management assistance and training in such management) to any migrant health center or to any public or private nonprofit entity to assist it in developing plans for, and in operating as, a migrant health center, and in meeting the requirements of subsection (f)(2).

Appropriation authorization.

"(h)(1) There are authorized to be appropriated for payments pursuant to grants and contracts under subsection (c)(1) $4,000,000 for fiscal year 1976, and $4,000,000 for fiscal year 1977. Of the funds appropriated under this paragraph for fiscal year 1976, not more than 30 per centum of such funds may be made available for grants and contracts under subsection (c)(1)(B), and of the funds appropriated under this paragraph for the next fiscal year, not more than 25 per centum of such funds may be made available for grants and contracts under such subsection.

Appropriation authorization.

"(2) There are authorized to be appropriated for payments pursuant to grants and contracts under subsection (d)(1) (other than for payments under such grants and contracts for the provision of inpatient and outpatient hospital services) and for payments pursuant to contracts under subsection (e) $30,000,000 for fiscal year 1976, and $35,000,000 for fiscal year 1977. Of the funds appropriated under the

first sentence for fiscal year 1976, there shall be made available for grants and contracts under subsection (d)(1)(C) an amount not exceeding the greater of 30 per centum of such funds or 90 per centum of the amount of grants made under this section for the preceding fiscal year for programs described in subsection (d)(1)(C). Of the funds appropriated under the first sentence for fiscal year 1977, there shall be made available for grants and contracts under subsection (d)(1)(C) an amount not exceeding the greater of 25 per centum of such funds or 90 per centum of the amount of grants made under this section for the preceding fiscal year for programs described in subsection (d)(1)(C) which received grants under this section for the fiscal year ending June 30, 1975. Of the funds appropriated under this paragraph for any fiscal year, not more than 10 per centum of such funds may be made available for contracts under subsection (e).

"(3) There are authorized to be appropriated for payments under grants and contracts under subsection (d)(1) for the provision of inpatient and outpatient hospital services $5,000,000 for fiscal year 1976, and $5,000,000 for fiscal year 1977.". Appropriation authorization.

(b) Section 217 of the Public Health Service Act is amended by adding after the subsection (f) added by Public Law 93-248 the following new subsection: National Advisory Council on Migrant Health.

"(g)(1) Within 120 days of the date of the enactment of this subsection, the Secretary shall appoint and organize a National Advisory Council on Migrant Health (hereinafter in this subsection referred to as the 'Council') which shall advise, consult with, and make recommendations to, the Secretary on matters concerning the organization, operation, selection, and funding of migrant health centers and other entities under grants and contracts under section 319. Appointment. 42 USC 218. *Ante*, p. 334.

"(2) The Council shall consist of fifteen members, at least twelve of whom shall be members of the governing boards of migrant health centers or other entities assisted under section 319. Of such twelve members who are members of such governing boards, at least nine shall be chosen from among those members of such governing boards who are being served by such centers or grantees and who are familiar with the delivery of health care to migratory agricultural workers and seasonal agricultural workers. The remaining three Council members shall be individuals qualified by training and experience in the medical sciences or in the administration of health programs. Membership.

"(3) Each member of the Council shall hold office for a term of four years, except that (A) any member appointed to fill a vacancy occurring prior to the expiration of the term for which his predecessor was appointed shall be appointed for the remainder of such term; and (B) the terms of the members first taking office after the date of enactment of this subsection shall expire as follows: four shall expire four years after such date, four shall expire three years after such date, four shall expire two years after such date, and three shall expire one year after such date, as designated by the Secretary at the time of appointment. Term.

"(4) Section 14(a) of the Federal Advisory Committee Act shall not apply to the Council.". 5 USC app. I.

(c)(1) The Secretary of Health, Education, and Welfare (hereinafter in this subsection referred to as the "Secretary") shall conduct or arrange for the conduct of a study of— Study. 42 USC 247d note.

(A) the quality of housing which is available to agricultural migratory workers in the United States during the period of their employment in seasonal agricultural activities while away from their permanent abodes;

(B) the effect on the health of such workers of deficiencies in their housing conditions during such period; and

(C) Federal, State, and local government standards respecting housing conditions for such workers during such period and the adequacy of the enforcement of such standards.

Consultation.

In conducting or arranging for the conduct of such study, the Secretary shall consult with the Secretary of Housing and Urban Development.

Report to congressional committees.

(2) Such study shall be completed and a report detailing the findings of the study and the recommendations of the Secretary for Federal action (including legislation) respecting such housing conditions shall be submitted to the Committee on Interstate and Foreign Commerce of the House of Representatives and the Committee on Labor and Public Welfare of the Senate within eighteen months of the date of the enactment of the first Act making appropriations for such study.

TITLE V—COMMUNITY HEALTH CENTERS

COMMUNITY HEALTH CENTERS

SEC. 501. (a) Part C of title III of the Public Health Service Act is amended by adding after section 329 the following new section:

"COMMUNITY HEALTH CENTERS

Definitions. 42 USC 254c.

"SEC. 330. (a) For purposes of this section, the term 'community health center' means an entity which either through its staff and supporting resources or through contracts or cooperative arrangements with other public or private entities provides—

"(1) primarily health services,

"(2) as may be appropriate for particular centers, supplemental health services necessary for the adequate support of primary health services,

"(3) referral to providers of supplemental health services and payment, as appropriate and feasible, for their provision of such services,

"(4) as may be appropriate for particular centers, environmental health services, and

"(5) information on the availability and proper use of health services,

for all residents of the area it serves (referred to in this section as a 'catchment area').

"(b) For purposes of this section:

"(1) The term 'primary health services' means—

"(A) services of physicians and, where feasible, services of physicians' assistants and nurse clinicians;

"(B) diagnostic laboratory and radiologic services;

"(C) preventive health services (including children's eye and ear examinations to determine the need for vision and hearing correction, perinatal services, well child services, and family planning services);

"(D) emergency medical services;

"(E) transportation services as required for adequate patient care; and

"(F) preventive dental services.

"(2) The term 'supplemental health services' means services which are not included as primary health services and which are—

"(A) hospital services;

"(B) home health services;

"(C) extended care facility services;

"(D) rehabilitative services (including physical therapy) and long-term physical medicine;

"(E) mental health services;

"(F) dental services;

"(G) vision services;

"(H) allied health services;

"(I) pharmaceutical services;

"(J) therapeutic radiologic services;

"(K) public health services (including nutrition education and social services);

"(L) health education services; and

"(M) services which promote and facilitate optimal use of primary health services and the services referred to in the preceding subparagraphs of this paragraph, including, if a substantial number of the individuals in the population served by a community health center are of limited English-speaking ability, the services of outreach workers fluent in the language spoken by a predominant number of such individuals.

"(3) The term 'medically underserved population' means the population of an urban or rural area designated by the Secretary as an area with a shortage of personal health services or a population group designated by the Secretary as having a shortage of such services.

"(c)(1) The Secretary may make grants to public and nonprofit private entities for projects to plan and develop community health centers which will serve medically underserved populations. A project for which a grant may be made under this subsection may include the cost of the acquisition and modernization of existing buildings (including the costs of amortizing the principal of, and paying the interest on, loans) and shall include— Grants.

"(A) an assessment of the need that the population proposed to be served by the community health center for which the project is undertaken has for primary health services, supplemental health services, and environmental health services;

"(B) the design of a community health center program for such population based on such assessment;

"(C) efforts to secure, within the proposed catchment area of such center, financial and professional assistance and support for the project; and

"(D) initiation and encouragement of continuing community involvement in the development and operation of the project.

"(2) Not more than two grants may be made under this subsection for the same project.

"(3) the amount of any grant made under this subsection for any project shall be determined by the Secretary.

"(d)(1)(A) The Secretary may make grants for the costs of operation of public and nonprofit private community health centers which serve medically underserved populations. Grants.

"(B) The Secretary may make grants for the costs of the operation of public and nonprofit private entities which provide health services to medically underserved populations but with respect to which he is unable to make each of the determinations required by subsection (e)(2).

"(2) The costs for which a grant may be made under paragraph (1) may include the costs of acquiring and modernizing existing buildings (including the costs of amortizing the principal of, and paying interest on, loans) and the costs of providing training related to the provision of primary health services, supplemental health services and environmental health services, and to the management of community health center programs.

"(3) Not more than two grants may be made under paragraph (1)(B) for the same entity.

"(4) The amount of any grant made under paragraph (1) shall be determined by the Secretary.

Application.

"(e)(1) No grant may be made under subsection (c) or (d) unless an application therefor is submitted to, and approved by, the Secretary. Such an application shall be submitted in such form and manner and shall contain such information as the Secretary shall prescribe. An application for a grant which will cover the costs of modernizing a building shall include, in addition to other information required by the Secretary—

"(A) a description of the site of the building,

"(B) plans and specifications for its modernization, and

"(C) reasonable assurance that all laborers and mechanics employed by contractors or subcontractors in the performance of work on the modernization of the building will be paid wages at rates not less than those prevailing on similar work in the locality as determined by the Secretary of Labor in accordance with the Act of March 3, 1931 (40 U.S.C. 276a—276a-5, known as the Davis-Bacon Act).

The Secretary of Labor shall have with respect to the labor standards referred to in subparagraph (C) the authority and functions set forth in Reorganization Plan Numbered 14 of 1950 (15 F.R. 3176, 5 U.S.C. Appendix) and section 2 of the Act of June 13, 1934 (40 U.S.C. 276c).

"(2) Except as provided in subsection (d)(1)(B), the Secretary may not approve an application for a grant under subsection (d) unless the Secretary determines that the entity for which the application is submitted is a community health center (within the meaning of subsection (a)) and that—

"(A) the primary health services of the center will be available and accessible in the center's catchment area promptly, as appropriate, and in a manner which assures continuity;

"(B) the center will have organizational arrangements, established in accordance with regulations prescribed by the Secretary, or (i) an ongoing quality assurance program (including utilization and peer review systems) respecting the center's services, and (ii) maintaining the confidentiality of patient records;

"(C) the center will demonstrate its financial responsibility by the use of such accounting procedures and other requirements as may be prescribed by the Secretary;

"(D) the center (i) has or will have a contractual or other arrangement with the agency of the State, in which it provides services, which administers or supervises the administration of a State plan approved under title XIX of the Social Security Act for the payment of all or a part of the center's costs in providing health services to persons who are eligible for medical assistance under such a State plan, or (ii) has made or will make every reasonable effort to enter into such an arrangement;

42 USC 1396.

"(E) the center has made or will make and will continue to make every reasonable effort to collect appropriate reimbursement for its costs in providing health services to persons who are entitled to insurance benefits under title XVIII of the Social Security Act, to medical assistance under a State plan approved under title XIX of such Act, or to assistance for medical expenses under any other public assistance program or private health insurance program; 42 USC 1395. 42 USC 1396.

"(F) the center (i) has prepared a schedule of fees or payments for the provision of its services designed to cover its reasonable costs of operation and a corresponding schedule of discounts to be applied to the payment of such fees or payments, which discounts are adjusted on the basis of the patient's ability to pay, (ii) has made and will continue to make every reasonable effort (I) to secure from patients payment for services in accordance with such schedules, and (II) to collect reimbursement for health services to persons described in subparagraph (E) on the basis of the full amount of fees and payments for such services without application of any discount, and (iii) has submitted to the Secretary such reports as he may require to determine compliance with this subparagraph; Fee schedule.

"(G) the center has established a governing board which (i) is composed of individuals a majority of whom are being served by the center and who, as a group, represent the individuals being served by the center, and (ii) meets at least once a month, establishes general policies for the center (including the selection of services to be provided by the center and a schedule of hours during which services will be provided), approves the center's annual budget, and approves the selection of a director for the center; Governing board.

"(H) the center has developed, in accordance with regulations of the Secretary, (i) an overall plan and budget that meets the requirements of section 1861(z) of the Social Security Act, and (ii) an effective procedure for compiling and reporting to the Secretary such statistics and other information as the Secretary may require relating to (I) the costs of its operations, (II) the patterns of use of its services, (III) the availability, accessibility, and acceptability of its services, and (IV) such other matters relating to operations of the applicant as the Secretary may, by regulation, require; 42 USC 1395x.

"(I) the center will review periodically its catchment area to (i) insure that the size of such area is such that the services to be provided through the center (including any satellite) are available and accessible to the residents of the area promptly and as appropriate, (ii) insure that the boundaries of such area conform, to the extent practicable, to relevant boundaries of political subdivisions, school districts, and Federal and State health and social service programs, and (iii) insure that the boundaries of such area eliminate, to the extent possible, barriers to access to the services of the center, including barriers resulting from the area's physical characteristics, its residential patterns, its economic and social groupings, and available transportation; and Review.

"(J) in the case of a center which serves a population including a substantial proportion of individuals of limited English-speaking ability, the center has (i) developed a plan and made arrangements responsive to the needs of such population for Limited English-speaking individuals.

providing services to the extent practicable in the language and cultural context most appropriate to such individuals, and (ii) identified an individual on its staff who is fluent in both that language and in English and whose responsibilities shall include providing guidance to such individuals and to appropriate staff members with respect to cultural sensitivities and bridging linguistic and cultural differences.

"(f) The Secretary may provide (either through the Department of Health, Education, and Welfare or by grant or contract) all necessary technical and other nonfinancial assistance (including fiscal and program management assistance and training in such management) to any public or private nonprofit entity to assist it in developing plans for, and in operating as, a community health center, and in meeting requirements of subsection (e)(2).

Appropriation authorization.

"(g)(1) There are authorized to be appropriated for payments pursuant to grants under subsection (c) $5,000,000 for fiscal year 1976, and $5,000,000 for fiscal year 1977.

"(2) There are authorized to be appropriated for payments pursuant to grants under subsection (d) $215,000,000 for fiscal year 1976, and $235,000,000 for fiscal year 1977.".

Repeal.
42 USC 246.

(b) Section 314(e) of the Public Health Service Act is repealed.

TITLE VI—MISCELLANEOUS

DISEASES BORNE BY RODENTS

42 USC 247b.

SEC. 601. (a) Section 317(h)(1) of the Public Health Service Act is amended by striking out "and RH disease" and inserting in lieu thereof ", RH disease, and diseases borne by rodents".

Appropriation authorization.

(b) Section 317(d)(3) of such Act is amended by adding at the end thereof the following: "There is authorized to be appropriated for fiscal year 1976 $20,000,000 for grants under this section for communicable and other disease control programs for diseases borne by rodents.".

HOME HEALTH SERVICES

Grants.
42 USC 1395x note.
42 USC 1395x.

SEC. 602. (a)(1) For the purpose of demonstrating the establishment and initial operation of public and nonprofit private agencies (as defined in section 1861(o) of the Social Security Act) which will provide home health services (as defined in section 1861(m) of the Social Security Act) in areas in which such services are not otherwise available, the Secretary of Health, Education, and Welfare may, in accordance with the provisions of this section, make grants to meet the initial costs of establishing and operating such agencies and expanding the services available through existing agencies, and to meet the costs of compensating professional and paraprofessional personnel during the initial operation of such agencies or the expansion of services of existing agencies.

(2) In making grants under this subsection, the Secretary shall consider the relative needs of the several States for home health services and preference shall be given to areas within a State in which a high percentage of the population proposed to be served is composed of individuals who are elderly, medically indigent, or both.

Application.

(3) Applications for grants under this subsection shall be in such form and contain such information as the Secretary shall prescribe by regulation.

(4) Payment of grants under this subsection may be made in advance or by way of reimbursement or in installments as the Secretary may determine.

(5) There are authorized to be appropriated $8,000,000 for fiscal year 1976 for payments under grants under this subsection. Appropriation authorization.

(b) (1) The Secretary of Health, Education, and Welfare may make grants to public and nonprofit private entities to assist them in demonstrating the training of professional and paraprofessional personnel to provide home health services (as defined in section 1861(m) of the Social Security Act). Grants. 42 USC 1395x.

(2) Applications for grants under this subsection shall be in such form and contain such information as the Secretary shall by regulations, prescribe. Application.

(3) Payment of grants under this section may be made in advance or by way of reimbursement, or in installments, as the Secretary shall determine.

(4) There is authorized to be appropriated $2,000,000 for fiscal year 1976 for payments under grants under this subsection. Appropriation authorization.

COMMITTEE ON MENTAL HEALTH AND ILLNESS OF THE ELDERLY

SEC. 603. (a) The Secretary of Health, Education, and Welfare shall appoint a Committee on Mental Health and Illness of the Elderly (hereinafter in this section referred to as the "Committee") to make a study of and recommendations respecting— Appointment. 42 USC 289k-2 note.

(1) the future needs for mental health facilities, manpower, research, and training to meet the mental health care needs of elderly persons,

(2) the appropriate care of elderly persons who are in mental institutions or who have been discharged from such institutions, and

(3) proposals for implementing the recommendations of the 1971 White House Conference on Aging respecting the mental health of the elderly.

(b) Within one year from the date of enactment of this Act the Secretary shall report to the Committee on Labor and Public Welfare of the Senate and the Committee on Interstate and Foreign Commerce of the House of Representatives the findings of the Committee under the study under subsection (a) and the Committee's recommendations under such subsection. Report to congressional committees.

(c) (1) The Committee shall be composed of nine members appointed by the Secretary of Health, Education, and Welfare. The Committee shall include at least one member from each of the fields of psychology, psychiatry, social science, social work, and nursing. Each member of the Committee shall by training, experience, or attainments be exceptionally qualified to assist in carrying out the functions of the Committee. Membership.

(2) Members of the Committee shall receive compensation at a rate to be fixed by the Secretary, but not exceeding the daily equivalent of the annual rate of basic pay in effect for grade GS-18 of the General Schedule, for each day (including traveltime) during which they are engaged in the actual performance of duties vested in the Committee. While away from their homes or regular places of business in the performance of services for the Committee, members of the Committee shall be allowed travel expenses, including per diem in lieu Compensation and travel expenses. 5 USC 5332 note.

of subsistence, in the same manner as persons employed intermittently in the Government service are allowed expenses under section 5703(b) of title 5 of the United States Code.

Termination.

(d) The Committee shall cease to exist thirty days after the submission of the report pursuant to subsection (b).

COMMISSION FOR CONTROL OF EPILEPSY

Establishment.
42 USC 289 note.

SEC. 604. (a) The Secretary of Health, Education, and Welfare shall establish a temporary commission to be known as the Commission for the Control of Epilepsy and Its Consequences (hereinafter referred to in this section as the "Commission").

Duties.

(b) It shall be the duty of the Commission to—

(1) make a comprehensive study of the state of the art of medical and social management of the epilepsies in the United States;

(2) investigate and make recommendations concerning the proper roles of Federal and State governments and national and local public and private agencies in research, prevention, identification, treatment, and rehabilitation of persons with epilepsy;

(3) develop a comprehensive national plan for the control of epilepsy and its consequences based on the most thorough, complete, and accurate data and information available on the disorder; and

Report, transmittal to President and congressional committees. Legislative recommendations.

(4) transmit to the President and the Committee on Labor and Public Welfare of the Senate and the Committee on Interstate and Foreign Commerce of the House of Representatives, not later than one year after the date of enactment of this Act, a report detailing the findings and conclusions of the Commission, together with recommendations for legislation and appropriations, as it deems advisable.

Membership.

(c)(1) The Commission shall be composed of nine members to be appointed by the Secretary of Health, Education, and Welfare. Such members shall be persons, including consumers of health services, who, by reason of experience or training in the medical, social, or educational aspects of the epilepsies, are especially qualified to serve on such Commission.

Chairman.

(2) the Secretary shall designate one of the members of the Commission to serve as Chairman and one to serve as Vice Chairman.

Vacancies.

Vacancies shall be filled in the same manner in which the original appointments were made. Any vacancy in the Commission shall not affect its powers.

Travel expenses.

(3) Any member of the Commission who is otherwise employed by the Federal Government shall serve without compensation in addition to that received in his regular employment, but shall be entitled to reimbursement for travel, subsistence, and other necessary expenses incurred by him in the performance of his duties on the Commission.

Compensation and travel expenses.
5 USC 5332 note.

(4) Members of the Commission, other than those referred to in paragraph (3), shall receive compensation at rates, not to exceed the daily equivalent of the annual rate in effect for grade GS-18 of the General Schedule, for each day (including traveltime) they are engaged in the performance of their duties and, while so serving away from their homes or regular places of business, each member shall be allowed travel expenses, including per diem in lieu of subsistence in the same manner as is authorized by section 5703 of title 5, United

States Code, for persons in Government service employed intermittently.

(d) The Commission shall cease to exist thirty days after the submission of the final report required by subsection (b) (4). Termination.

COMMISSION FOR CONTROL OF HUNTINGTON'S DISEASE

SEC. 605. (a) The Secretary of Health, Education, and Welfare shall establish a temporary commission to be known as the Commission for the Control of Huntington's Disease and Its Consequences (hereinafter referred to in this section as the "Commission"). Establishment. 42 USC 289 note.

(b) It shall be the duty of the Commission to— Duties.

(1) make a comprehensive study of the state of the art of medical and social management of Huntington's disease in the United States;

(2) investigate and make recommendations concerning the proper roles of Federal and State governments and national and local public and private agencies in research, prevention, identification, treatment, and rehabilitation of persons with Huntington's disease;

(3) develop a comprehensive national plan for the control of Huntington's disease and its consequences based on the most thorough, complete, and accurate data and information available on the disorder; and

(4) transmit to the President and the Committee on Labor and Public Welfare of the Senate and the Committee on Interstate and Foreign Commerce of the House of Representatives, not later than one year after the date of enactment of this Act, a report detailing the findings and conclusions of the Commission, together with recommendations for legislation and appropriations, as it deems advisable. Report, transmittal to President and congressional committees.

(c) (1) The Commission shall be composed of nine members to be appointed by the Secretary of Health, Education, and Welfare. Such members shall be persons, including consumers of health services, who, by reason of experience or training in the medical, social, or educational aspects of Huntington's disease, are especially qualified to serve on such Commission. Membership.

(2) The Secretary shall designate one of the members of the Commission to serve as Chairman and one to serve as Vice Chairman. Vacancies shall be filled in the same manner in which the original appointments were made. Any vacancy in the Commission shall not affect its powers. Chairman. Vacancies.

(3) Any member of the Commission who is otherwise employed by the Federal Government shall serve without compensation in addition to that received in his regular employment, but shall be entitled to reimbursement for travel, subsistence, and other necessary expenses incurred by him in the performance of his duties on the Commission. Travel expenses.

(4) Members of the Commission, other than those referred to in paragraph (3), shall receive compensation at rates, not to exceed the daily equivalent of the annual rate in effect for grade GS-18 of the General Schedule, for each day (including traveltime) they are engaged in the performance of their duties and, while so serving away from their homes or regular places of business, each member shall be allowed travel expenses, including per diem in lieu of subsistence in the same manner as is authorized by section 5703 of title 5, United Compensation and travel expenses. 5 USC 5332 note.

States Code, for persons in Government service employed intermittently.

Termination.

(d) The Commission shall cease to exist thirty days after the submission of the final report required by subsection (b)(4).

HEMOPHILIA PROGRAMS

SEC. 606. Title XI of the Public Health Service Act is amended by adding after part C the following new part:

"PART D—HEMOPHILIA PROGRAMS

"TREATMENT CENTERS

Grants and contracts.
42 USC 300c-21.

"SEC. 1131. (a) The Secretary may make grants to and enter into contracts with public and nonprofit private entities for projects for the establishment of comprehensive hemophilia diagnostic and treatment centers. A center established under this subsection shall provide—

"(1) access to the services of the center for all individuals suffering from hemophilia who reside within the geographic area served by the center;

"(2) programs for the training of professional and paraprofessional personnel in hemophilia research, diagnosis, and treatment;

"(3) a program for the diagnosis and treatment of individuals suffering from hemophilia who are being treated on an outpatient basis;

"(4) a program for association with providers of health care who are treating individuals suffering from hemophilia in areas not conveniently served directly by such center but who are more conveniently (as determined by the Secretary) served by it than by the next geographically closest center;

"(5) programs of social and vocational counseling for individuals suffering from the hemophilia; and

"(6) individualized written comprehensive care programs for each individual treated by or in association with such center.

Application.

"(b) No grant or contract may be made under subsection (a) unless an application therefor has been submitted to and approved by the Secretary. Such application shall be in such form, submitted in such manner, and contain such information, as the Secretary shall by regulation prescribe.

Regulations.

"(c) An application for a grant or contract under subsection (a) shall contain assurances satisfactory to the Secretary that the applicant will serve the maximum number of individuals that its available and potential resources will enable it to effectively serve.

"(d) In considering applications for grants and contracts under subsection (a) for projects to establish hemophilia diagnostic and treatment centers, the Secretary shall—

"(1) take into account the number of persons to be served by the programs to be supported by such centers and the extent to which rapid and effective use will be made by such centers of funds under such grants and contracts, and

"(2) give priority to projects for centers which will operate in areas which the Secretary determines have the greatest number of persons in need of the services provided by such centers.

"(e) Contracts may be entered into under subsection (a) without regard to sections 3648 and 3709 of the Revised Statutes (31 U.S.C. 529; 41 U.S.C. 5).

"(f) There are authorized to be appropriated to make payments under grants and contracts under subsection (a) $3,000,000 for fiscal year 1976, and $4,000,000 for fiscal year 1977. Appropriation authorization.

"BLOOD SEPARATION CENTERS

"SEC. 1132. (a) The Secretary may make grants to and enter into contracts with public and nonprofit private entities for projects to develop and expand, within existing facilities, blood-separation centers to separate and make available for distribution blood components to providers of blood services and manufacturers of blood fractions. For purposes of this section— Grants and contracts. 42 USC 300c-22.

"(1) the term 'blood components' means those constituents of whole blood which are used for therapy and which are obtained by physical separation processes which result in licensed products such as red blood cells, platelets, white blood cells, AHF-rich plasma, fresh-frozen plasma, cryoprecipitate, and single unit plasma for infusion; and "Blood components."

"(2) the term 'blood fractions' means those constituents of plasma which are used for therapy and which are obtained by licensed fractionation processes presently used in manufacturing which result in licensed products such as normal serum albumin, plasma, protein fraction, prothrombin complex, fibrinogen, AHF concentrate, immune serum globulin, and hyperimmune globulins. "Blood fractions."

"(b) In the event the Secretary finds that there is an insufficient supply of blood fractions available to meet the needs for treatment of persons suffering from hemophilia, and that public and other nonprofit private centers already engaged in the production of blood fractions could alleviate such insufficiency with assistance under this subsection, he may make grants not to exceed $500,000 to such centers for the purposes of alleviating the insufficiency.

"(c) No grant or contract may be made under subsection (a) or (b) unless an application therefor has been submitted to and approved by the Secretary. Such an application shall be in such form, submitted in such manner, and contain such information as the Secretary shall by regulation prescribe. Application. Regulations.

"(d) Contracts may be entered into under subsection (a) without regard to section 3648 and 3709 of the Revised Statutes (31 U.S.C. 529; 41 U.S.C. 5).

"(e) For the purpose of making payments under grants and contracts under subsections (a) and (b), there are authorized to be appropriated $4,000,000 for fiscal year 1976, and $5,000,000 for fiscal year 1977.". Appropriation authorization.

TECHNICAL AMENDMENTS

SEC. 607. (a) Section 399c of the Public Health Service Act (added by Public Law 93-222) is redesignated as section 399A. 42 USC 280c.

(b) The section 472 of the Public Health Service Act entitled "Peer Review of Grant Applications and Control Projects" is redesignated as section 475. 42 USC 289*l*-4.

(c) The amendments made by subsections (a) and (b) shall take effect on the date of the enactment of this Act. Effective date. 42 USC 280c note.

EFFECTIVE DATE

42 USC 247b note.

SEC. 608. Except as may otherwise be specifically provided, the amendments made by this title and by titles I, II, III, IV, and V of this Act shall take effect July 1, 1975. The amendments made by this title and by such titles to the provisions of law amended by this title and by such titles are made to such provisions as amended by title VII of this Act.

Ante, pp. 304, 306, 308, 334, 342.

Infra.

TITLE VII—EXTENSION OF CURRENT AUTHORITIES THROUGH FISCAL YEAR 1975

42 USC 246.

SEC. 701. (a) Section 314(d)(1) of the Public Health Service Act (relating to grants for comprehensive public health services) is amended by striking out "for the fiscal year ending June 30, 1974" and inserting in lieu thereof "each for the fiscal years ending June 30, 1974, and June 30, 1975".

(b)(1) The first sentence of section 314(e) of such Act (relating to project grants for health services development) is amended by striking out "for the fiscal year ending June 30, 1974" and inserting in lieu thereof "each for the fiscal years ending June 30, 1974, and June 30, 1975".

(2) The next to last sentence of such section is amended (A) by striking out "1974" and inserting "1975", and (B) by striking out "title I of the Health Programs Extension Act of 1973" and inserting in lieu thereof "title VII of the Health Revenue Sharing and Health Services Act of 1975".

42 USC 247d.

(c) Section 319 of such Act (relating to migrant health) is amended by striking out "for the fiscal year ending June 30, 1974" and inserting in lieu thereof "each for the fiscal years ending June 30, 1974, and June 30, 1975".

42 USC 300, 300a-1–300a-3.

(d) Section 1001(c), 1003(b), 1004(b), and 1005(b) of title X of such Act (relating to population research and family planning) are each amended by striking out "for the fiscal year ending June 30, 1974" and inserting in lieu thereof "each for the fiscal years ending June 30, 1974, and June 30, 1975".

42 USC 2681.

(e)(1) Section 201 of the Community Mental Health Centers Act (relating to grants for construction) is amended by striking out "for the fiscal year ending June 30, 1974" and inserting in lieu thereof "each for the fiscal years ending June 30, 1974, and June 30, 1975".

42 USC 2687.

(2) Section 207 of such Act is amended by striking out "1974" and inserting "1975".

42 USC 2688a.

(3) Section 221(b) of such Act is amended by striking out "1974" each place it occurs and inserting in lieu thereof "1975".

42 USC 2688d.

(4) Section 224(a) of such Act (relating to staffing grants) is amended by striking out "for the fiscal year ending June 30, 1974" and inserting in lieu thereof "each for the fiscal years ending June 30, 1974, and June 30, 1975".

42 USC 2688j-1.

(5)(A) Section 246 of such Act (relating to alcoholism programs) is amended by striking out "1974" and inserting in lieu thereof "1975".

42 USC 2688j-2.

(B) Section 247(d) of such Act is amended by striking out "and June 30, 1974" and inserting in lieu thereof "June 30, 1974, and June 30, 1975".

42 USC 2688*l*.

(6)(A) Section 252 of such Act (relating to drug abuse programs) is amended by striking out "1974" and inserting in lieu thereof "1975".

(B) Section 253(d) is amended by striking out "for the fiscal year ending June 30, 1974" and inserting in lieu thereof "each for the fiscal years ending June 30, 1974, and June 30, 1975". 42 USC 2688l-1.

(C) Section 256(e) of such Act is amended by striking out "for the fiscal year ending June 30, 1974" and inserting in lieu thereof "each for the fiscal years ending June 30, 1974, and June 30, 1975". 42 USC 2688n-1.

(7) Section 261 of such Act (relating to authorizations for alcoholism and drug abuse programs) is amended (A) by striking out "for the fiscal year ending June 30, 1974" in subsection (a) and inserting in lieu thereof "each for the fiscal years ending June 30, 1974, and June 30, 1975", and (B) by striking out "1974" in subsection (b) and inserting in lieu thereof "1975". 42 USC 2688o.

(8) Section 271(d) of such Act (relating to mental health of children) is amended (A) by striking out "for the fiscal year ending June 30, 1974" in paragraph (1) and inserting in lieu thereof "each for the fiscal years ending June 30, 1974, and June 30, 1975", and (B) by striking out "1974" in paragraph (2) and inserting in lieu thereof "1975". 42 USC 2688u.

TITLE VIII—NATIONAL HEALTH SERVICE CORPS

EXTENSION OF CURRENT AUTHORITY THROUGH FISCAL YEAR 1976

SEC. 801. Subsection (h) of section 329 of the Public Health Service Act is amended— 42 USC 254b.

(1) by striking out "and" after "1973;", and

(2) by adding before the period at the end the following: "; $16,000,000 for the fiscal year ending June 30, 1975; and $30,000,000 for the fiscal year ending June 30, 1976".

GRANTS AND SALES OR TRANSFERS OF PROPERTY

SEC. 802. Subsection (d) of such section is amended by redesignating paragraph (2) as paragraph (4) and inserting after paragraph (1) the following new paragraphs: 42 USC 254b.

"(2) The Secretary may make a grant to any applicant with an approved application for the assignment of Corps personnel to assist the entity in meeting the costs of establishing medical practice management systems for Corps personnel, acquiring supplies and equipment for their use in providing health services, and other expenses related to the provision of health services. Not more than one grant may be made with respect to any one health manpower shortage area designated under subsection (b)(1). No grant may be made under this paragraph unless an application therefor is submitted to, and approved by, the Secretary. The amount of any grant shall be determined by the Secretary, except that no grant may exceed $25,000.

"(3) Upon the expiration of the assignment of Corps personnel to provide health services for the residents of a critical health manpower shortage area, the Secretary (notwithstanding any other provision of law) may (A) sell (at fair market value (as determined by the Secretary)) to the entity which submitted the last approved application for the assignment of Corps personnel for such area equipment and supplies of the United States utilized by such personnel in providing health services or (B) if the Secretary determines that the entity is financially unable to purchase such supplies or equipment at their fair market value, sell to such entity such supplies or equipment at less than fair market value or transfer such supplies or equipment to the entity.".

THIRD PARTY PAYMENT COLLECTIONS

42 USC 254b.

SEC. 803. Paragraph 2 of subsection (b) of such section is amended (1) by striking out the last 2 sentences of subparagraph (C), and (2) by adding after subparagraph (C) the following new subparagraph:

"(D) (i) The Secretary shall require as a condition to the approval of an application for the assignment of Corps personnel that the entity which submits the application enter into an appropriate arrangement with the Secretary under which the entity shall take such action as may be reasonable for the collection of payments for health services provided by Corps personnel, including if a Federal agency, an agency of a State or local government, or other third party would be responsible for payment of all or part of the cost of such health services if it had not been provided by Corps personnel under this section, the collection, on a fee-for-service or other basis, from such agency or third party the portion of such cost for which it would be so responsible (and in determining the amount of such cost which such agency or third party would be responsible, the health services provided by Corps personnel shall be considered as being provided by private practitioners).

"(ii) Any funds collected by an entity under clause (i) shall be paid to the Secretary for deposit in the Treasury as miscellaneous receipts. Such funds shall be disregarded in determining (I) the amounts of appropriations to be requested under subsection (h), and (II) the amounts to be made available from appropriations under such subsection to carry out this section. The Secretary may waive in whole or in part the application of the requirement of the first sentence to an entity if he determines that compliance with such requirement would unduly limit the ability of the entity to maintain the quality or level of health services provided by Corps personnel.".

Waiver.

Nurse Training Act of 1975.

TITLE IX—NURSE TRAINING

SHORT TITLE; REFERENCE TO ACT

42 USC 296 note.

SEC. 901. (a) This title may be cited as the "Nurse Training Act of 1975".

(b) Whenever in this title an amendment or repeal is expressed in terms of an amendment to, or repeal of, a section or other provision, the reference shall be considered to be made to a section or other provision of the Public Health Service Act.

42 USC 201 note.

PART A—ONE-YEAR EXTENSION

EXTENSION OF EXISTING AUTHORITIES THROUGH FISCAL YEAR 1975

42 USC 296.

SEC. 902. (a) Section 801 (relating to construction grants) is amended by striking out "for the fiscal year ending June 30, 1974" and inserting in lieu thereof "each for the fiscal years ending June 30, 1974, and June 30, 1975".

42 USC 296e.

(b) Section 806(i) (relating to capitation grants) is amended by striking out "for the fiscal year ending June 30, 1974" and inserting in lieu thereof "each for the fiscal years ending June 30, 1974, and June 30, 1975".

42 USC 296g.

(c) Section 808 (relating to special project grants and contracts and financial distress grants) is amended by striking out "for the fiscal year ending June 30, 1974" each place it occurs and inserting

in lieu thereof "each for the fiscal years ending June 30, 1974, and June 30, 1975".

(d) Section 809 (relating to loan guarantees and interest subsidies) is amended— 42 USC 296d.

(1) by striking out "1974" in subsections (a) and (b) and inserting in lieu thereof "1975", and

(2) by striking out "in the fiscal year ending June 30, 1974" in subsection (e) and inserting in lieu thereof "in the fiscal year ending June 30, 1974, or in the next fiscal year".

(e) Section 810(d) (relating to start-up grants) is amended by striking out "for the fiscal year ending June 30, 1974" and inserting in lieu thereof "each for the fiscal years ending June 30, 1974, and June 30, 1975". 42 USC 296i.

(f) Section 850 (relating to scholarships) is amended— 42 USC 298c.

(1) by striking out "next two fiscal year" in subsection (b) and inserting in lieu thereof "next three fiscal years",

(2) by striking out "1975" in that subsection and inserting in lieu thereof "1976",

(3) by striking out "1974" in that subsection and inserting in lieu thereof "1975",

(4) by striking out "the next two fiscal years" in subsection (c)(1)(A) and inserting in lieu thereof "the next three fiscal years",

(5) by striking out "1974" in subsection (c)(1)(B) and inserting in lieu thereof "1975", and

(6) by striking out "1975" in that subsection and inserting in lieu thereof "1976".

(g) Section 868(b) (relating to recruitment programs) is amended by striking out "for the fiscal year ending June 30, 1974" and inserting in lieu thereof "each for the fiscal years ending June 30, 1974, and June 30, 1975". 42 USC 298c-7.

PART B—REVISION AND EXTENSION OF PROGRAMS THROUGH FISCAL YEAR 1978

Subpart 1—Effective Date

EFFECTIVE DATE

SEC. 905. Except as may otherwise be specifically provided, the amendments made by this part shall take effect July 1, 1975. The amendments made by this part to provisions of title VIII of the Public Health Service Act (hereinafter in this part referred to as the "Act") are made to such provisions as amended by part A of this title. 42 USC 296 note.

Subpart 2—Construction Assistance

EXTENSION OF GRANTS AND LOAN GUARANTEES AND INTEREST SUBSIDIES

SEC. 910. (a)(1) Section 801 is amended by striking out "and" after "1973,"; and by inserting before the period a comma and the following: "$20,000,000 for fiscal year 1976, $20,000,000 for fiscal year 1977, and $20,000,000 for fiscal year 1978". 42 USC 296.

(2) Effective with respect to grants for construction projects under part A of title VIII of the Act made from appropriations under section 801 of the Act, section 802(c)(1)(A) is amended (A) by inserting "(i)" after "proposed facilities", and (B) by inserting before the semi- 42 USC 296a.

colon ", or (ii) in expanding the capacity of the school to provide graduate training".

42 USC 296d. (b) (1) (A) Subsections (a) and (b) of section 809 are each amended by striking out "June 30, 1975" and inserting in lieu thereof "September 30, 1978".

(B) (i) The last sentence of subsection (a) of section 809 is amended (I) by striking out "(1)" and (II) by striking out all after "the project" and inserting in lieu thereof a period.

Effective date. 42 USC 296d note. *Infra.* (ii) The amendment made by clause (i) shall apply with respect to loans guaranteed under subpart I of part A of title VIII of the Act after the date of the enactment of this Act.

42 USC 296d. (2) The second sentence of subsection (e) of such section is amended (A) by striking out "and" after "1973,", and (B) by inserting after "the next fiscal year" a comma and the following: "$1,000,000 in fiscal year 1976, $1,000,000 in fiscal year 1977, and $1,000,000 in fiscal year 1978".

42 USC 296d. (c) (1) Subsection (a) of section 809 is amended by inserting "or the Federal Financing Bank" and "non-Federal lenders".

(2) Subsection (b) of section 809 is amended by inserting "or the Federal Financing Bank" after "non-Federal lender".

TECHNICAL AMENDMENTS

SEC. 911. (a) (1) Title VIII is amended by inserting after the heading for part A the following: 42 USC 296.

"Subpart I—Construction Assistance".

(2) The heading for part A is amended by striking out "GRANTS" and inserting in lieu thereof "ASSISTANCE".

42 USC 296d. (b) Section 809 is inserted after section 804 and is redesignated as section 805.

Subpart 3—Capitation Grants

EXTENSION AND REVISION OF CAPITATION GRANTS

42 USC 296e. SEC. 915. (a) Section 806(a) is amended by striking out paragraphs (1) and (2) and inserting in lieu thereof the following:

"(1) Each collegiate school of nursing shall receive $400 for each undergraduate full-time student enrolled in each of the last two years of such school in such year.

"(2) Each associate degree school of nursing shall receive (A) the product of $275 and one-half of the number of full-time students enrolled in the first year of such school in such year, and (B) $275 for each full-time student enrolled in the last year of such school in such year.

"(3) Each diploma school of nursing shall receive $250 for each full-time student enrolled in such school in such year.".

Repeal. (b) Subsections (c), (d), (e), and (f) of section 806 are repealed and the following new subsection is inserted after subsection (b):

"(c) (1) REQUIREMENTS FOR GRANTS.—The Secretary shall not make a grant under subsection (a) to any school of nursing in a fiscal year beginning after June 30, 1975, unless the application for such grant contains or is supported by reasonable assurances satisfactory to the Secretary that—

"(A) the first-year enrollment of full-time students in the school in the school year beginning after the fiscal year in which the grant

applied for is to be made will not be less than the first-year enrollment of such students in the school in the preceding school year; and

"(B) that the school will expend in carrying out its function as a school of nursing, during the fiscal year for which such grant is sought, an amount of funds (other than funds for construction as determined by the Secretary) from non-Federal sources which is at least as great as the average amount of funds expended by such applicant for such purposes (excluding expenditures of a nonrecurring nature) in the three fiscal years immediately preceding the fiscal year for which such grant is sought.

The requirement of subparagraph (A) shall be in addition to the requirements of section 802(b)(2)(D), where applicable. 42 USC 296a.

"(2) The Secretary shall not make a grant under subsection (a) to any school of nursing in a fiscal year beginning after June 30, 1975, unless one of the following requirements is met:

"(A) The application for such grant shall contain or be supported by reasonable assurances satisfactory to the Secretary that for the school year beginning after the close of the fiscal year in which such grant is to be made and for each school year thereafter beginning in a fiscal year in which such a grant is made the first year enrollment of full-time students in such school will exceed the number of such students enrolled in the school year beginning during the fiscal year ending June 30, 1975—

"(i) by 10 per centum of such number if such number was not more than one hundred, or

"(ii) by 5 per centum of such number, or ten students, whichever is greater, if such number was more than one hundred.

"(B) The school has provided reasonable assurance satisfactory to the Secretary that it will carry out, in accordance with a plan submitted by the school to the Secretary and approved by him, at least two of the following programs in the school year beginning after the close of the fiscal year in which such grant is to be made and in each school year thereafter beginning in a fiscal year in which such a grant is made:

"(i) In the case of collegiate schools of nursing, a program for the training of nurse practitioners (as defined in section 822). *Post*, p. 361.

"(ii) A program under which students enrolled in a school of nursing will receive a significant portion of their clinical training in community health centers, long-term care facilities, and ambulatory care facilities geographically remote from the main site of the teaching facilities of the school.

"(iii) A program for the continuing education of nurses which meets needs identified by appropriate State, regional, or local health or educational entities (including health systems agencies).

"(iv) A program to identify, recruit, enroll, retain, and graduate individuals from disadvantaged backgrounds (as determined in accordance with criteria prescribed by the Secretary) under which program at least 10 per centum of each year's entering class (or ten students, whichever is greater) is comprised of such individuals.".

42 USC 296e.

(c)(1) Section 806(i)(1) is amended by striking out "and" after "1973," and by inserting before "for grants" the following: "$50,000,000 for fiscal year 1976, $55,000,000 for fiscal year 1977, and $55,000,000 for fiscal year 1978".

Appropriation authorization.

(d) For fiscal year 1976, and for each of the next two fiscal years, there are authorized to be appropriated such sums as may be necessary to continue to make annual grants to schools of nursing under section 806(a) of the Act (as in effect on June 30, 1975) based on the number of enrollment bonus students (determined in accordance with subsections (c) and (d) of section 806 of the Act (as so in effect)) enrolled in such schools who were first-year students in such schools for school years beginning before June 30, 1975.

TECHNICAL AMENDMENTS

42 USC 296e.

SEC. 916. (a) Subsections (g), (h), and (i) of section 806 are redesignated as subsections (d), (e), and (f), respectively.

(b) Subsection (b) of such section is amended by striking out "subsection (i)" and inserting in lieu thereof "subsection (f)".

Ante, p. 356.

(c) Title VIII is amended by inserting after section 805 (as so redesignated by section 102(b) of this Act) the following:

"Subpart II—Capitation Grants".

EFFECTIVE DATE

42 USC 296e note.

Post, p. 365.

SEC. 917. The amendments made by this subpart shall take effect with respect to grants made under section 806 (redesignated as section 810 by part C of this title) of the Act from appropriations under such section for fiscal years beginning after June 30, 1975.

Subpart 4—Financial Distress Grants

EXTENSION OF FINANCIAL DISTRESS GRANT PROGRAM

42 USC 296f.

SEC. 921. Title VIII is amended by inserting after section 807 the following:

"Subpart III—Financial Distress Grants

"FINANCIAL DISTRESS GRANTS

42 USC 296j.

"SEC. 815. (a) The Secretary may make grants to assist public or nonprofit private schools of nursing which are in serious financial straits to meet operational costs required to maintain quality educational programs or which have special need for financial assistance to meet accreditation requirements. Any such grant may be made upon such terms and conditions as the Secretary determines to be reasonable and necessary, including requirements that the school agree (1) to disclose any financial information or data deemed by the Secretary to be necessary to determine the sources or causes of that school's financial distress, (2) to conduct a comprehensive cost analysis study in cooperation with the Secretary, and (3) to carry out appropriate operational and financial reforms on the basis of information obtained in the course of the comprehensive cost analysis study or on the basis of other relevant information.

"(b)(1) No grant may be made under subsection (a) unless an application therefor is submitted to and approved by the Secretary. The Secretary may not approve or disapprove such an application except after consultation with the National Advisory Council on Nurse Training. Application.

"(2) An application for a grant under subsection (a) must contain or be supported by assurances satisfactory to the Secretary that the applicant will expend in carrying out its functions as a school of nursing, during the fiscal year for which such grant is sought, an amount of funds (other than funds for construction as determined by the Secretary) from non-Federal sources which is at least as great as the average amount of funds expended by such applicant for such purpose (excluding expenditures of a nonrecurring nature) in the three fiscal years immediately preceding the fiscal year for which such grant is sought. The Secretary may, after consultation with the National Advisory Council on Nurse Training, waive the requirement of the preceding sentence with respect to any school if he determines that the application of such requirement to such school would be inconsistent with the purposes of subsection (a).

"(c) For payments under grants under this section there are authorized to be appropriated $5,000,000 for fiscal year 1976, $5,000,000 for fiscal year 1977, and $5,000,000 for fiscal year 1978.". Appropriation authorization.

TECHNICAL AMENDMENT

SEC. 922. Sections 805 and 808 (as in effect on June 30, 1975) are repealed. Repeals. 42 USC 296d, 296g.

Subpart 5—Special Project Assistance

SPECIAL PROJECT GRANTS AND CONTRACTS

SEC. 931. (a) Title VIII is amended by inserting after subpart III of part A (as added by section 921 of this title) the following: *Ante*, p. 358.

"Subpart IV—Special Projects

"SPECIAL PROJECT GRANTS AND CONTRACTS

"SEC. 820. (a) The Secretary may make grants to public and nonprofit private schools of nursing and other public or nonprofit private entities, and enter into contracts with any public or private entity, to meet the costs of special projects to— 42 USC 296k.

"(1) assist in—

"(A) mergers between hospital training programs or between hospital training programs and academic institutions, or

"(B) other cooperative arrangements among hospitals and academic institutions,

leading to the establishment of nurse training programs;

"(2)(A) plan, develop, or establish new nurse training programs or programs of research in nursing education, or

"(B) significantly improve curricula of schools of nursing (including curriculums of pediatric nursing and geriatric nursing) or modify existing programs of nursing education;

"(3) increase nursing education opportunities for individuals from disadvantaged backgrounds, as determined in accordance with criteria prescribed by the Secretary, by—

"(A) identifying, recruiting, and selecting such individuals,

"(B) facilitating the entry of such individuals into schools of nursing,

"(C) providing counseling or other services designed to assist such individuals to complete successfully their nursing education.

"(D) providing, for a period prior to the entry of such individuals into the regular course of education at a school of nursing, preliminary education designed to assist them to complete successfully such regular course of education,

"(E) paying such stipends (including allowances for travel and dependents) as the Secretary may determine for such individuals for any period of nursing education, and

"(F) publicizing, especially to licensed vocational or practical nurses, existing sources of financial aid available to persons enrolled in schools of nursing or who are undertaking training necessary to qualify them to enroll in such schools;

"(4) provide continuing education for nurses;

"(5) provide appropriate retraining opportunities for nurses who (after periods of professional inactivity) desire again actively to engage in the nursing profession;

"(6) help to increase the supply or improve the distribution by geographic area or by specialty group of adequately trained nursing personnel (including nursing personnel who are bilingual) needed to meet the health needs of the Nation, including the need to increase the availability of personal health services and the need to promote preventive health care;

"(7) provide training and education to upgrade the skills of licensed vocational or practical nurses, nursing assistants, and other paraprofessional nursing personnel; or

"(8) assist in meeting the costs of developing short-term (not to exceed 6 months) in-service training programs for nurses aides and orderlies for nursing homes, which programs emphasize the special problems of geriatric patients and include training for monitoring the well-being and feeding and cleaning of the patients in nursing homes, emergency procedures, drug properties and interactions, and fire safety techniques.

Contracts may be entered into under this subsection without regard to sections 3648 and 3709 of the Revised Statutes (31 U.S.C. 529; 41 U.S.C. 5).

Federal agencies, assistance.

"(b) The Secretary may, with the advice of the National Advisory Council on Nurse Training, provide assistance to the heads of other departments and agencies of the Government to encourage and assist in the utilization of medical facilities under their jurisdiction for nurse training programs.

Application.

"(c) No grant or contract may be made under this section unless an application therefor has been submitted to and approved by the Secretary. The Secretary may not approve or disapprove such an application except after consultation with the National Advisory Council on Nurse Training. Such an application shall provide for such fiscal control and accounting procedures and reports, and access to the records of the applicant, as the Secretary may require to assure proper disbursement of and accounting for Federal funds paid to the applicant under this section.

"(d) For payments under grants and contracts under this section there are authorized to be appropriated $15,000,000 for fiscal year 1976, $15,000,000 for fiscal year 1977, and $15,000,000 for fiscal year 1978. Not less than 10 per centum of the funds appropriated under this subsection for any fiscal year shall be used for payments under grants and contracts to meet the costs of the special projects described in subsection (a)(3). Appropriation authorization.

"ADVANCED NURSE TRAINING PROGRAMS

"SEC. 821. (a)(1) The Secretary may make grants to and enter into contracts with public and nonprofit private collegiate schools of nursing to meet the costs of projects to— Grants and contracts. 42 USC 296*l*.

"(A) plan, develop, and operate,

"(B) significantly expand, or

"(C) maintain existing,

programs for the advanced training of professional nurses to teach in the various fields of nurse training, to serve in administrative or supervisory capacities, or to serve in other professional nursing specialties (including service as nurse clinicians) determined by the Secretary to require advanced training.

"(b) For payments under grants and contracts under this section there are authorized to be appropriated $15,000,000 for fiscal year 1975, $20,000,000 for fiscal year 1977, and $25,000,000 for fiscal year 1978. Appropriation authorization.

"NURSE PRACTITIONER PROGRAMS

"SEC. 822. (a)(1) The Secretary may make grants to and enter into contracts with public or nonprofit private schools of nursing, medicine, and public health, public or nonprofit private hospitals, and other public or nonprofit private entities to meet the cost of projects to— Grants and contracts. 42 USC 296m.

"(A) plan, develop, and operate,

"(B) significantly expand, or

"(C) maintain existing,

programs for the training of nurse practitioners. The Secretary shall give special consideration to applications for grants or contracts for programs for the training of nurse practitioners which emphasize training respecting the special problems of geriatric patients and training to meet the particular needs of nursing home patients.

"(2)(A) For purposes of this section, the term 'programs for the training of nurse practitioners' means educational programs for registered nurses (irrespective of the type of school of nursing in which the nurses received their training) which meet guidelines prescribed by the Secretary in accordance with subparagraph (B) and which have as their objective the education of nurses (including pediatric and geriatric nurses) who will, upon completion of their studies in such programs, be qualified to effectively provide primary health care, including primary health care in homes and in ambulatory care facilities, long-term care facilities, and other health care institutions. "Programs for the training of nurse practitioners."

"(B) After consultation with appropriate educational organizations and professional nursing and medical organizations, the Secretary shall prescribe guidelines for programs for the training of nurse practitioners. Such guidelines shall, as a minimum, require that such a program— Guidelines.

"(i) extend for at least one academic year and consist of—

"(I) supervised clinical practice, and

"(II) at least four months (in the aggregate) of classroom instruction,

directed toward preparing nurses to deliver primary health care; and

"(ii) have an enrollment of not less than eight students.

"(b) No grant may be made or contract entered into for a project to plan, develop, and operate a program for the training of nurse practitioners unless the application for the grant or contract contains assurances satisfactory to the Secretary that the program will upon its development meet the guidelines which are in effect under subsection (a)(2)(B); and no grant may be made or contract entered into for a project to expand or maintain such a program unless the application for the grant or contract contains assurances satisfactory to the Secretary that the program meets the guidelines which are in effect under such subsection.

"(c) The costs for which a grant or contract under this section may be made may include costs of preparation of faculty members in order to conform to the guidelines established under subsection (a)(2)(B).

Appropriation authorization.

"(d) For payments under grants and contracts under this section there are authorized to be appropriated $15,000,000 for fiscal year 1976, $20,000,000 for fiscal year 1977, and $25,000,000 for fiscal year 1978.".

Repeals. 42 USC 296i, 298c-7.

(b) Sections 810 and 868 are repealed.

GUIDELINES FOR NURSE PRACTITIONER TRAINING PROGRAMS

42 USC 296m note.

SEC. 932. The Secretary of Health, Education, and Welfare shall within ninety days of the date of the enactment of this Act prescribe the guidelines for nurse practitioner programs specified in section 822(a) of the Act (as added by section 931 of this title).

Ante, p. 359.

Subpart 6—Assistance to Nursing Students

EXTENSION OF TRAINEESHIPS

Appropriation authorization. 42 USC 297.

SEC. 935. (a) Subsection (a) of section 821 (as in effect on June 30, 1975) is amended to read as follows:

"(a) There are authorized to be appropriated $15,000,000 for fiscal year 1976, $20,000,000 for fiscal year 1977, and $25,000,000 for fiscal year 1978, to cover the costs of traineeships for the training of professional nurses—

"(1) to teach in the various fields of nurse training (including practical nurse training),

"(2) to serve in administrative or supervisory capacities,

"(3) to serve as nurse practitioners, or

"(4) to serve in other professional nursing specialties determined by the Secretary to require advanced training.".

(b) Effective with respect to grants under section 821 of the Act from appropriations under such section for fiscal years beginning after June 30, 1975, subsection (b) of section 821 (as so in effect) is amended by adding at the end thereof the following: "In making grants for traineeships under this section, the Secretary shall give special consideration to applications for traineeship programs which conform to guidelines established by the Secretary under section 822(a)(2)(B).".

EXTENSION OF STUDENT LOAN PROGRAM

42 USC 297a.

SEC. 936. (a) Section 822(b)(4) (as in effect on June 30, 1975) is amended by striking out "July 1, 1975" and inserting in lieu thereof "October 1, 1978".

(b) Effective with respect to periods of training to be a nurse anesthetist undertaken on or after the date of the enactment of this Act, section 823(b)(2)(B) is amended by inserting "(or training to be a nurse anesthetist)" after "professional training in nursing". 42 USC 297b.

(c) Section 824 is amended to read as follows: 42 USC 297c.

"AUTHORIZATION OF APPROPRIATIONS FOR STUDENT LOAN FUNDS

"SEC. 824. There are authorized to be appropriated for allotments under section 825 to schools of nursing for Federal capital contributions to their student loan funds established under section 822, $25,000,000 for fiscal year 1976, $30,000,000 for fiscal year 1977, and $35,000,000 for fiscal year 1978. For fiscal year 1979, and for each of the next two succeeding fiscal years there are authorized to be appropriated such sums as may be necessary to enable students who have received a loan for any academic year ending before October 1, 1978, to continue or complete their education.". 42 USC 297d. 42 USC 297a.

(d) Section 826 is amended (1) by striking out "June 30, 1977" each place it occurs and inserting in lieu thereof "September 30, 1980", and (2) by striking out "September 30, 1977" in subsection (b) and inserting in lieu thereof "December 31, 1980". 42 USC 297e.

(e)(1) Section 827 is repealed. Repeal.

(2) The nurse training fund created within the Treasury by section 827(d)(1) of the Act shall remain available to the Secretary of Health, Education, and Welfare for the purpose of meeting his responsibilities respecting participations in obligations acquired under section 827 of the Act. The Secretary shall continue to deposit in such fund all amounts received by him as interest payments or repayments of principal on loans under such section 827. If at any time the Secretary determines the moneys in the funds exceed the present and any reasonable prospective further requirements of such fund, such excess may be transferred to the general fund of the Treasury. 42 USC 297f. 42 USC 297f note.

(3) There are authorized to be appropriated without fiscal year limitation such sums as may be necessary to enable the Secretary to make payments under agreements entered into under section 827(b) of the Act before the date of the enactment of this Act. Appropriation authorization. 42 USC 297f note.

EXTENSION OF SCHOLARSHIP PROGRAM

SEC. 937. Section 860 is amended— 42 USC 297j.

(1) by striking out "1972, and for each of the next three fiscal years" in subsection (b) and in subsection (c)(1)(A) inserting in lieu thereof "1976, and for each of the next two fiscal years";

(2) by striking out "June 30, 1976" in the second sentence of subsection (b) and in subsection (c)(1)(B) and inserting in lieu thereof "September 30, 1979"; and

(3) by striking out "July 1, 1975" in the second sentence of subsection (b) and in subsection (c)(1)(B) and inserting in lieu thereof "October 1, 1978".

PART C—TECHNICAL AND CONFORMING AMENDMENTS

TECHNICAL AND CONFORMING AMENDMENTS

SEC. 941. (a)(1) Section 802 is amended— 42 USC 296a.

(A) by striking out "this part" each place it occurs and inserting in lieu thereof "this subpart";

42 USC 296a.

(B) by striking out "subsection 806(e) of this Act" in subsection (b)(2) and inserting in lieu thereof "section 810(c)";

(C) by striking out paragraph (5) of subsection (b) and inserting in lieu thereof the following:

"(5) the application contains or is supported by adequate assurances that all laborers and mechanics employed by contractors or subcontractors in the performance of work on a project will be paid wages at rates not less than those prevailing on similar construction in the locality as determined by the Secretary of Labor in accordance with the Act of March 3, 1931 (40 U.S.C. 276a—276a-5, known as the Davis-Bacon Act), and the Secretary of Labor shall have with respect to such labor standards the authority and functions set forth in Reorganization Plan Numbered 14 of 1950 (15 F.R. 3176; 5 U.S.C. Appendix) and section 2 of the Act of June 13, 1934 (40 U.S.C. 276c).";

(D) by striking out "section 841 (hereinafter in this part referred to as the 'Council')" in the first sentence following paragraph (5) of subsection (b) and inserting in lieu thereof "section 851";

(E) by striking out the second sentence following such paragraph; and

(F) by striking out "above in paragraph (A)" in subsection (c)(1)(B) and inserting in lieu thereof "in subparagraph (A)".

Construction grants.

(b)(1) Subsection (a) of section 803 is amended to read as follows:

42 USC 296b.

"(a) The amount of any grant for a construction project under this subpart shall be such amount as the Secretary determines to be appropriate after obtaining the advice of the National Advisory Council on Nurse Training; except that—

"(1) in the case of a grant—

"(A) for a project for a new school,

"(B) for a project for new facilities for an existing school in cases where such facilities are of particular importance in providing a major expansion of training capacity, as determined in accordance with regulations, or

"(C) for a project for major remodeling or renovation of an existing facility where such project is required to meet an increase in student enrollment,

the amount of such grant may not exceed 75 per centum of the necessary cost of construction, as determined by the Secretary, of such project; and

"(2) in the case of a grant for any other project, the amount of such grant may not, except where the Secretary determines that unusual circumstances make a larger percentage (which may in no case exceed 75 per centum) necessary in order to effectuate the purposes of this subpart, exceed 67 per centum of the necessary cost of construction, as so determined, of the project with respect to which the grant is made.".

(2) Subsections (b) and (c) of section 803 are each amended by striking out "this part" and inserting in lieu thereof "this subpart".

42 USC 296c.

(c) Section 804 is amended (1) by striking out "this part" and inserting in lieu thereof "this subpart", and (2) by redesignating paragraphs (a), (b), and (c) as paragraphs (1), (2), and (3), respectively.

42 USC 296d.

(d) Section 805 (as redesignated by section 911(b)) is amended by striking out "this part" each place it occurs and inserting in lieu thereof "this subpart".

(e) Section 806 is redesignated as section 810. 42 USC 296e.

(f) Section 807 is redesignated as section 811 and is amended— 42 USC 296f.

(1) by striking out "section 805, 806, or 810" in subsections (a) and (c) and inserting in lieu thereof "this subpart";

(2) by striking out "part" in subsection (b) and inserting in lieu thereof "subpart";

(3) by amending paragraph (1) of subsection (c) to read as follows:

"(1) is from a public or nonprofit private school of nursing;" ; and

(4) by striking out "those sections" each place it occurs in paragraphs (2) and (3) of such subsection and inserting in lieu thereof "this subpart".

(g)(1) Title VIII is amended by inserting after the heading for part B the following:

"Subpart I—Traineeships".

(2) Section 821 (as so designated on the day before the date of the enactment of this Act) is redesignated as section 830. 42 USC 297.

(3) Title VIII is amended by inserting after section 830 (as so redesignated) the following:

"Subpart II—Student Loans".

(h) Sections 822, 823, 825, 826, 828, and 830 (as so designated on the day before the date of the enactment of this Act) are amended as follows: 42 USC 297a, 297b, 297d, 297e, 297g, 297b.

(1) Sections 822(a), 823, 825, 826, and 828 are each amended by striking out "this part" each place it occurs and inserting in lieu thereof "this subpart".

(2) Sections 822(a), 823(b), 823(c), 825(b)(2), and 826(a)(1) are each amended by striking out "of Health, Education, and Welfare".

(3) Section 822(b)(2)(A) is amended by striking out "under this part" and inserting in lieu thereof "from allotments under section 838".

(4)(A) Section 825 is amended—

(i) by striking out "(whether as Federal capital contributions or as loans to schools under section 827)" in subsection (a); and

(ii) by striking out ", and for loans pursuant to section 827." in subsection (b)(1).

(B) Section 826(b) is amended by striking out "(other than so much of such fund as relates to payments from the revolving fund established by section 827(d))".

(C) Section 828 is amended by striking out "or loans."

(5) Section 830 is— 42 USC 297b.

(A) transferred to section 823 and inserted after subsection (i) of such section; and

(B) is amended by striking out "SEC. 830. (a)" and inserting in lieu thereof "(j)".

(i)(1) Sections 822, 823, 824, 825, 826, 828, and 829 (as so designated on the day before the date of the enactment of this Act) are redesignated as sections 835, 836, 837, 838, 839, 840, and 841, respectively. 42 USC 297a–297e, 297g, 297h.

42 USC 297a. (2) Section 835 (as so redesignated) is amended (A) by striking out "829" each place it occurs and inserting in lieu thereof "841", and (B) by striking out "823" and inserting in lieu thereof "836".

42 USC 297c. (3) Section 837 (as so redesignated) is amended (A) by striking out "825" and inserting in lieu thereof "838", and (B) by striking out "822" and inserting in lieu thereof "835".

42 USC 297d. (4) Section 838 (as so redesignated) is amended by striking out "824" each place it occurs and inserting in lieu thereof "837".

42 USC 297e. (5) Section 839 (as so redesignated) is amended by striking out "822" each place it occurs and inserting in lieu thereof "835".

(6) Section 841 (as so redesignated) is amended (A) by striking out "822" and inserting in lieu thereof "835", and (B) by striking out "part D" and inserting in lieu thereof "subpart III of this part".

Ante, p. 365. 42 USC 297j, 297k. (j)(1) Part D of title VIII is inserted after subpart II of part B of such title; sections 860 and 861 are redesignated as sections 845 and 846, respectively; and the heading for such part is amended to read as follows:

"Subpart III—Scholarship Grants to Schools of Nursing".

42 USC 297j. (2) Section 845(a) (as so redesignated) is amended by striking out "this part" and inserting in lieu thereof "this section".

42 USC 297k. (3) Section 846 (as so redesignated) is amended (A) by striking out "this part" the first time it occurs and inserting in lieu thereof "section 845", and (B) by striking out "to the sums available to the school under this part for (and to be regarded as) Federal capital contributions, to be used for the same purpose as such sums" and inserting in lieu thereof "to the student loan fund of the school established under an agreement under section 835. Funds transferred under this section to such a student loan fund shall be considered as part of the Federal capital contributions to such fund".

Repeal. (4) Section 869 is repealed.

42 USC 298c-8. 42 USC 298–298b-2. (k)(1) Sections 841, 842, 843, 844, and 845 (as so designated on the day before the date of the enactment of this Act) are redesignated as sections 851, 852, 853, 854, and 855, respectively.

42 USC 298. (2) Section 851 (as so redesignated) is amended (A) by striking out "part A of applications under section 805" in subsection (a)(2) and inserting in lieu thereof "subpart I of part A, of applications under section 805, and of applications under subpart III of part A"; (B) by striking out subsection (b); (C) by striking out "(a)(1)" and inserting in lieu thereof "(a)"; and (D) by striking out "(2)" and inserting in lieu thereof "(b)".

42 USC 298b. (3) Section 853 (as so redesignated) is amended—

(A) by striking out "part A" in paragraph (f) and inserting in lieu thereof "subpart I of part A";

(B) by striking out "806" in paragraph (f) and inserting in lieu thereof "810";

(C) by striking out "part B" each place it occurs in paragraph (f) and inserting in lieu thereof "section 835";

(D) by striking out "825" in paragraph (f) and inserting in lieu thereof "838";

(E) by redesignating paragraphs (a) through (j) as paragraphs (1) through (10) respectively;

(F) by redesignating clauses (1), (2), and (3) of paragraph (6) (as so redesignated) as clauses (A), (B), and (C), respectively.

(G) by redesignating subclauses (A) and (B) of such paragraph (6) as subclauses (i) and (ii), respectively; and

(H) by redesignating clauses (1) and (2) of paragraph (9) (as so redesignated) as clauses (A) and (B), respectively.

(4) Part C is amended by adding at the end thereof the following:

"DELEGATION

"SEC. 856. The Secretary may delegate the authority to administer any program authorized by this title to the administrator of a central or regional office or offices in the Department of Health, Education, and Welfare, except that the authority— 42 USC 298b-3.

"(1) to review, and prepare comments on the merit of, any application for a grant or contract under any program authorized by this title for purposes of presenting such application to the National Advisory Council on Nurse Training, or

"(2) to make such a grant or enter into such a contract,

shall not be further delegated to any administrator of, or officer in, any regional office or offices in the Department.".

EFFECTIVE DATE

SEC. 942. The amendments made by section 941 shall take effect July 1, 1975. Except as otherwise specifically provided, the amendments made by section 941 to provisions of title VIII of the Act are made to such provisions as in effect July 1, 1975, and as amended by part B of this title. *Ante*, p. 363. 42 USC 296a note. *Ante*, p. 355.

PART D—MISCELLANEOUS

INFORMATION RESPECTING THE SUPPLY AND DISTRIBUTION OF AND REQUIREMENTS FOR NURSES

SEC. 951. (a)(1) Using procedures developed in accordance with paragraph (3), the Secretary of Health, Education, and Welfare (hereinafter in this section referred to as the "Secretary") shall determine on a continuing basis— 42 USC 296 note.

(A) the supply (both current and projected and within the United States and within each State) of registered nurses, licensed practical and vocational nurses, nurse's aides, registered nurses with advanced training or graduate degrees, and nurse practitioners;

(B) the distribution, within the United States and within each State, of such nurses so as to determine (i) those areas of the United States which are oversupplied or undersupplied, or which have an adequate supply of such nurses in relation to the population of the area, and (ii) the demand for the services which such nurses provide; and

(C) the current and future requirements for such nurses, nationally and within each State.

(2) The Secretary shall survey and gather data, on a continuing basis, on— Survey.

(A) the number and distribution of nurses, by type of employment and location of practice;

(B) the number of nurses who are practicing full time and those who are employed part time, within the United States and within each State;

(C) the average rates of compensation for nurses, by type of practice and location of practice;

(D) the activity status of the total number of registered nurses within the United States and within each State;

(E) the number of nurses with advanced training or graduate degrees in nursing, by specialty, including nurse practitioners, nurse clinicians, nurse researchers, nurse educators, and nurse supervisors and administrators; and

(F) the number of registered nurses entering the United States annually from other nations, by country of nurse training and by immigrant status.

(3) Within six months of the date of the enactment of this Act, the Secretary shall develop procedures for determining (on both a current and projected basis) the supply and distribution of and requirements for nurses within the United States and within each State.

Report to Congress.

(b) Not later than February 1, 1977, and February 1 of each succeeding year, the Secretary shall report to the Congress—

(1) his determinations under subsection (a)(1) and the data gathered under subsection (a)(2);

(2) an analysis of such determination and data; and

(3) recommendations for such legislation as the Secretary determines, based on such determinations and data, will achieve (A) an equitable distribution of nurses within the United States and within each State, and (B) adequate supplies of nurses within the United States and within each State.

OMB review, submittal to Congress.

(c) The Office of Management and Budget may review the Secretary's report under subsection (b) before its submission to the Congress, but the Office may not revise the report or delay its submission, and it may submit to the Congress its comments (and those of other departments or agencies of the Government) respecting such report.

CARL ALBERT
Speaker of the House of Representatives.

NELSON A. ROCKEFELLER
Vice President of the United States and President of the Senate.

IN THE SENATE OF THE UNITED STATES,
July 26 (legislative day, July 21), 1975.

The Senate having proceeded to reconsider the bill (S. 66) entitled "An Act to amend the Public Health Service Act and related health laws to revise and extend the health revenue sharing program, the family planning programs, the community mental health centers program, the program for migrant health centers and community health centers, the National Health Service Corps program, and the programs for assistance for nurse training, and for other purposes", returned by the President of the United States with his objections to the Senate, in which it originated, it was

Resolved, That the said bill pass, two-thirds of the Senators present having voted in the affirmative.

Attest:

FRANCIS R. VALEO
Secretary.

I certify that this Act originated in the Senate.

FRANCIS R. VALEO
Secretary.

IN THE HOUSE OF REPRESENTATIVES, U.S.,
July 29, 1975.

The House of Representatives having proceeded to reconsider the bill (S. 66) entitled "An Act to amend the Public Health Service Act and related health laws to revise and extend the health revenue sharing program, the family planning programs, the community mental health centers program, the program for migrant health centers and community health centers, the National Health Service Corps program, and the programs for assistance for nurse training, and for other purposes", returned by the President of the United States with his objections, to the Senate, in which it originated, and passed by the Senate on reconsideration of the same, it was

Resolved, That the said bill pass, two-thirds of the House of Representatives agreeing to pass the same.

Attest:

W. PAT JENNINGS
Clerk.

LEGISLATIVE HISTORY:

HOUSE REPORTS: No. 94-137 accompanying H.R. 4114, No. 94-143 accompanying H.R. 4115, and No. 94-192 accompanying H.R. 4925 (Comm. on Interstate and Foreign Commerce) and No. 94-348 (Comm. of Conference).

SENATE REPORT No. 94-29 (Comm. on Labor and Public Welfare).

CONGRESSIONAL RECORD, Vol. 121 (1975):

Apr. 10, considered and passed Senate.

May 7, H.R. 4114 and 4115 considered and passed House.

June 5, considered and passed House, amended, in lieu of H.R. 4114, H.R. 4115, and H.R. 4925.

July 14, Senate agreed to conference report.

July 16, House agreed to conference report.

WEEKLY COMPILATION OF PRESIDENTIAL DOCUMENTS, Vol. 11, No. 31:

July 26, vetoed; Presidential message.

CONGRESSIONAL RECORD, Vol. 121 (1975):

July 26, Senate overrode veto.

July 29, House overrode veto.

Public Law 94-64
94th Congress

An Act

July 31, 1975
[H.R. 6799]

To approve certain of the proposed amendments to the Federal Rules of Criminal Procedure, to amend certain of them, and to make certain additional amendments to those Rules.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Federal Rules of Criminal Procedure Amendments Act of 1975".

Federal Rules of Criminal Procedure Admendments Act of 1975. 18 USC 3771 note.

SEC. 2. The amendments proposed by the United States Supreme Court to the Federal Rules of Criminal Procedure which are embraced in the order of that Court on April 22, 1974, are approved except as otherwise provided in this Act and shall take effect on December 1, 1975. Except with respect to the amendment to Rule 11, insofar as it adds Rule 11(e)(6), which shall take effect on August 1, 1975, the amendments made by section 3 of this Act shall also take effect on December 1, 1975.

Effective dates. 18 USC 3771 note.

18 USC app.

SEC. 3. The Federal Rules of Criminal Procedure, as amended by the amendments that were proposed by the United States Supreme Court to the Federal Rules of Criminal Procedure which are embraced by the order of that Court on April 22, 1974, are further amended as follows:

Warrant or summons upon complaint.

(1) Rule 4 is amended by striking out subdivisions (a), (b), and (c), and inserting in lieu thereof the following:

"(a) ISSUANCE.—If it appears from the complaint, or from an affidavit or affidavits filed with the complaint, that there is probable cause to believe that an offense has been committed and that the defendant has committed it, a warrant for the arrest of the defendant shall issue to any officer authorized by law to execute it. Upon the request of the attorney for the government a summons instead of a warrant shall issue. More than one warrant or summons may issue on the same complaint. If a defendant fails to appear in response to the summons, a warrant shall issue.

"(b) PROBABLE CAUSE.—The finding of probable cause may be based upon hearsay evidence in whole or in part.".

(2) Rule 4 is further amended by redesignating subdivision (d) as (c).

(3) Rule 4 is further amended by redesignating subdivision (e) as (d), and paragraph (3) of such subdivision is amended to read as follows:

"(3) MANNER.—The warrant shall be executed by the arrest of the defendant. The officer need not have the warrant in his possession at the time of the arrest, but upon request he shall show the warrant to the defendant as soon as possible. If the officer does not have the warrant in his possession at the time of the arrest, he shall then inform the defendant of the offense charged and of the fact that a warrant has been issued. The summons shall be served upon a defendant by delivering a copy to him personally, or by leaving it at his dwelling house or usual place of abode with some person of suitable age and discretion then residing therein and by mailing a copy of the summons to the defendant's last known address.".

Warrant or summons upon indictment or information.

(4) Rule 9(a) is amended to read as follows:

"(a) ISSUANCE.—Upon the request of the attorney for the government the court shall issue a warrant for each defendant named in the information, if it is supported by oath, or in the indictment. The clerk shall issue a summons instead of a warrant upon the request of the attorney for the government or by direction of the court. Upon like request or direction he shall issue more than one warrant or summons for the same defendant. He shall deliver the warrant or summons to the marshal or other person authorized by law to execute or serve it. If a defendant fails to appear in response to the summons, a warrant shall issue.".

(5) Rule 11(c) is amended to read as follows: Pleas.

"(c) ADVICE TO DEFENDANT.—Before accepting a plea of guilty or nolo contendere, the court must address the defendant personally in open court and inform him of, and determine that he understands, the following:

"(1) the nature of the charge to which the plea is offered, the mandatory minimum penalty provided by law, if any, and the maximum possible penalty provided by law; and

"(2) if the defendant is not represented by an attorney, that he has the right to be represented by an attorney at every stage of the proceeding against him and, if necessary, one will be appointed to represent him; and

"(3) that he has the right to plead not guilty or to persist in that plea if it has already been made, and that he has the right to be tried by a jury and at that trial has the right to the assistance of counsel, the right to confront and cross-examine witnesses against him, and the right not to be compelled to incriminate himself; and

"(4) that if he pleads guilty or nolo contendere there will not be a further trial of any kind, so that by pleading guilty or nolo contendere he waives the right to a trial; and

"(5) that if he pleads guilty or nolo contendere, the court may ask him questions about the offense to which he has pleaded, and if he answers these questions under oath, on the record, and in the presence of counsel, his answers may later be used against him in a prosecution for perjury or false statement.".

(6) Rule 11(e)(1) is amended to read as follows:

"(1) IN GENERAL.—The attorney for the government and the attorney for the defendant or the defendant when acting pro se may engage in discussions with a view toward reaching an agreement that, upon the entering of a plea of guilty or nolo contendere to a charged offense or to a lesser or related offense, the attorney for the government will do any of the following:

"(A) move for dismissal of other charges; or

"(B) make a recommendation, or agree not to oppose the defendant's request, for a particular sentence, with the understanding that such recommendation or request shall not be binding upon the court; or

"(C) agree that a specific sentence is the appropriate disposition of the case.

The court shall not participate in any such discussions.".

(7) Rule 11(e)(2) is amended to read as follows:

"(2) NOTICE OF SUCH AGREEMENT.—If a plea agreement has been reached by the parties, the court shall, on the record, require the disclosure of the agreement in open court or, on a showing of good cause, in camera, at the time the plea is offered. Thereupon the court may accept or reject the agreement, or may defer its decision as to the acceptance or rejection until there has been an opportunity to consider the presentence report.".

(8) Rule 11(e)(3) is amended to read as follows:

"(3) ACCEPTANCE OF A PLEA AGREEMENT.—If the court accepts the plea agreement, the court shall inform the defendant that it will embody in the judgment and sentence the disposition provided for in the plea agreement.".

(9) Rule 11(e)(4) is amended to read as follows:

"(4) REJECTION OF A PLEA AGREEMENT.—If the court rejects the plea agreement, the court shall, on the record, inform the parties of this fact, advise the defendant personally in open court or, on a showing of good cause, in camera, that the court is not bound by the plea agreement, afford the defendant the opportunity to then withdraw his plea, and advise the defendant that if he persists in his guilty plea or plea of nolo contendere the disposition of the case may be less favorable to the defendant than that contemplated by the plea agreement.".

(10) Rule 11(e)(6) is amended to read as follows:

"(6) INADMISSIBILITY OF PLEAS, OFFERS OF PLEAS, AND RELATED STATEMENTS.—Except as otherwise provided in this paragraph, evidence of a plea of guilty, later withdrawn, or a plea of nolo contendere, or of an offer to plead guilty or nolo contendere to the crime charged or any other crime, or of statements made in connection with, and relevant to, any of the foregoing pleas or offers, is not admissible in any civil or criminal proceeding against the person who made the plea or offer. However, evidence of a statement made in connection with, and relevant to, a plea of guilty, later withdrawn, a plea of nolo contendere, or an offer to plead guilty or nolo contendere to the crime charged or any other crime, is admissible in a criminal proceeding for perjury or false statement if the statement was made by the defendant under oath, on the record, and in the presence of counsel."

Pleadings and motions before trial.

(11) Rule 12(e) is amended to read as follows:

"(e) RULING ON MOTION.—A motion made before trial shall be determined before trial unless the court, for good cause, orders that it be deferred for determination at the trial of the general issue or until after verdict, but no such determination shall be deferred if a party's right to appeal is adversely affected. Where factual issues are involved in determining a motion, the court shall state its essential findings on the record.".

(12) Rule 12(h) is amended to read as follows:

"(h) EFFECT OF DETERMINATION.—If the court grants a motion based on a defect in the institution of the prosecution or in the indictment or information, it may also order that the defendant be continued in custody or that his bail be continued for a specified time pending the filing of a new indictment or information. Nothing in this rule shall be deemed to affect the provisions of any Act of Congress relating to periods of limitations.".

(13) Rule 12.1 is amended to read as follows:

"RULE 12.1. NOTICE OF ALIBI

"(a) NOTICE BY DEFENDANT.—Upon written demand of the attorney for the government stating the time, date, and place at which the alleged offense was committed, the defendant shall serve within ten days, or at such different time as the court may direct, upon the attorney for the government a written notice of his intention to offer a defense of alibi. Such notice by the defendant shall state the specific place or places at which the defendant claims to have been at the time of the alleged offense and the names and addresses of the witnesses upon whom he intends to rely to establish such alibi.

"(b) DISCLOSURE OF INFORMATION AND WITNESS.—Within ten days thereafter, but in no event less than ten days before trial, unless the court otherwise directs, the attorney for the government shall serve upon the defendant or his attorney a written notice stating the names and addresses of the witnesses upon whom the government intends to rely to establish the defendant's presence at the scene of the alleged offense and any other witnesses to be relied on to rebut testimony of any of the defendant's alibi witnesses.

"(c) CONTINUING DUTY TO DISCLOSE.—If prior to or during trial, a party learns of an additional witness whose identity, if known, should have been included in the information furnished under subdivision (a) or (b), the party shall promptly notify the other party or his attorney of the existence and identity of such additional witness.

"(d) FAILURE TO COMPLY.—Upon the failure of either party to comply with the requirements of this rule, the court may exclude the testimony of any undisclosed witness offered by such party as to the defendant's absence from or presence at, the scene of the alleged offense. This rule shall not limit the right of the defendant to testify in his own behalf.

"(e) EXCEPTIONS.—For good cause shown, the court may grant an exception to any of the requirements of subdivisions (a) through (d) of this rule.

"(f) INADMISSIBILITY OF WITHDRAWN ALIBI.—Evidence of an intention to rely upon an alibi defense, later withdrawn, or of statements made in connection with such intention, is not admissible in any civil or criminal proceeding against the person who gave notice of the intention.".

(14) Rule 12.2(c) is amended to read as follows:

"(c) PSYCHIATRIC EXAMINATION.—In an appropriate case the court may, upon motion of the attorney for the government, order the defendant to submit to a psychiatric examination by a psychiatrist designated for this purpose in the order of the court. No statement made by the accused in the course of any examination provided for by this rule, whether the examination shall be with or without the consent of the accused, shall be admitted in evidence against the accused on the issue of guilt in any criminal proceeding.".

Depositions.

(15) Rule 15(a) is amended to read as follows:

"(a) WHEN TAKEN.—Whenever due to exceptional circumstances of the case it is in the interest of justice that the testimony of a prospective witness of a party be taken and preserved for use at trial, the court may upon motion of such party and notice to the parties order that testimony of such witness be taken by deposition and that any designated book, paper, document, record, recording, or other material not privileged, be produced at the same time and place. If a witness is committed for failure to give bail to appear to testify at a trial or hearing, the court on written motion of the witness and upon notice to the parties may direct that his deposition be taken. After the deposition has been subscribed the court may discharge the witness.".

(16) Rule 15(b) is amended to read as follows:

"(b) NOTICE OF TAKING.—The party at whose instance a deposition is to be taken shall give to every party reasonable written notice of the time and place for taking the deposition. The notice shall state the name and address of each person to be examined. On motion of a party upon whom the notice is served, the court for cause shown may extend or shorten the time or change the place for taking the deposition. The officer having custody of a defendant shall be notified of the time and place set for the examination and shall, unless the defendant waives

in writing the right to be present, produce him at the examination and keep him in the presence of the witness during the examination, unless, after being warned by the court that disruptive conduct will cause him to be removed from the place of the taking of the deposition, he persists in conduct which is such as to justify his being excluded from that place. A defendant not in custody shall have the right to be present at the examination upon request subject to such terms as may be fixed by the court, but his failure, absent good cause shown, to appear after notice and tender of expenses in accordance with subdivision (c) of this rule shall constitute a waiver of that right and of any objection to the taking and use of the deposition based upon that right.".

Waiver.

(17) Rule 15(c) is amended to read as follows:

"(c) PAYMENT OF EXPENSES.—Whenever a deposition is taken at the instance of the government, or whenever a deposition is taken at the instance of a defendant who is unable to bear the expenses of the taking of the deposition, the court may direct that the expense of travel and subsistence of the defendant and his attorney for attendance at the examination and the cost of the transcript of the deposition shall be paid by the government.".

(18) Rule 15(e) is amended by striking out "as defined in subdivision (g) of this rule" and inserting in lieu thereof the following: "as unavailability is defined in Rule 804(a) of the Federal Rules of Evidence".

(19) Rule 15(g) is deleted and subdivision (h) is redesignated as (g).

Discovery and inspection.

(20) Rule 16(a)(1)(A) is amended to read as follows:

"(A) STATEMENT OF DEFENDANT.—Upon request of a defendant the government shall permit the defendant to inspect and copy or photograph: any relevant written or recorded statements made by the defendant, or copies thereof, within the possession, custody or control of the government, the existence of which is known, or by the exercise of due diligence may become known, to the attorney for the government; the substance of any oral statement which the government intends to offer in evidence at the trial made by the defendant whether before or after arrest in response to interrogation by any person then known to the defendant to be a government agent; and recorded testimony of the defendant before a grand jury which relates to the offense charged. Where the defendant is a corporation, partnership, association or labor union, the court may grant the defendant, upon its motion, discovery of relevant recorded testimony of any witness before a grand jury who (1) was, at the time of his testimony, so situated as an officer or employee as to have been able legally to bind the defendant in respect to conduct constituting the offense, or (2) was, at the time of the offense, personally involved in the alleged conduct constituting the offense and so situated as an officer or employee as to have been able legally to bind the defendant in respect to that alleged conduct in which he was involved.".

(21) Rule 16(a)(1)(B) is amended to read as follows:

"(B) DEFENDANT'S PRIOR RECORD.—Upon request of the defendant, the government shall furnish to the defendant such copy of his prior criminal record, if any, as is within the possession, custody, or control of the government, the existence of which is known, or by the exercise of due diligence may become known, to the attorney for the government.".

(22) Rule 16(a)(1)(D) is amended to read as follows:

"(D) REPORTS OF EXAMINATIONS AND TESTS.—Upon request of a defendant the government shall permit the defendant to inspect

and copy or photograph any results or reports of physical or mental examinations, and of scientific tests or experiments, or copies thereof, which are within the possession, custody, or control of the government, the existence of which is known, or by the exercise of due diligence may become known, to the attorney for the government, and which are material to the preparation of the defense or are intended for use by the government as evidence in chief at the trial.".

(23) Rule 16(a)(1)(E) is deleted.

(24) Rule 16(b)(1)(A) is amended to read as follows:

"(A) DOCUMENTS AND TANGIBLE OBJECTS.—If the defendant requests disclosure under subdivision (a)(1) (C) or (D) of this rule, upon compliance with such request by the government, the defendant, on request of the government, shall permit the government to inspect and copy or photograph books, papers, documents, photographs, tangible objects, or copies or portions thereof, which are within the possession, custody, or control of the defendant and which the defendant intends to introduce as evidence in chief at the trial.".

(25) Rule 16(b)(1)(B) is amended to read as follows:

"(B) REPORTS OF EXAMINATIONS AND TESTS.—If the defendant requests disclosure under subdivision (a)(1) (C) or (D) of this rule, upon compliance with such request by the government, the defendant, on request of the government, shall permit the government to inspect and copy or photograph any results or reports of physical or mental examinations and of scientific tests or experiments made in connection with the particular case, or copies thereof, within the possession or control of the defendant, which the defendant intends to introduce as evidence in chief at the trial or which were prepared by a witness whom the defendant intends to call at the trial when the results or reports relate to his testimony.".

(26) Rule 16(b)(1)(C) is deleted.

(27) Rule 16(c) is amended to read as follows:

"(c) CONTINUING DUTY TO DISCLOSE.—If, prior to or during trial, a party discovers additional evidence or material previously requested or ordered, which is subject to discovery or inspection under this rule, he shall promptly notify the other party or his attorney or the court of the existence of the additional evidence or material.".

(28) Rule 16(d)(1) is amended to read as follows:

"(1) PROTECTIVE AND MODIFYING ORDERS.—Upon a sufficient showing the court may at any time order that the discovery or inspection be denied, restricted, or deferred, or make such other order as is appropriate. Upon motion by a party, the court may permit the party to make such showing, in whole or in part, in the form of a written statement to be inspected by the judge alone. If the court enters an order granting relief following such an ex parte showing, the entire text of the party's statement shall be sealed and preserved in the records of the court to be made available to the appellate court in the event of an appeal.".

(29) Rule 17(f)(2) is amended to read as follows: Subpoena.

"(2) PLACE.—The witness whose deposition is to be taken may be required by subpoena to attend at any place designated by the trial court, taking into account the convenience of the witness and the parties.".

(30) Rule 20(d) is amended to read as follows: Venue.

"(d) JUVENILES.—A juvenile (as defined in 18 U.S.C. § 5031) who is arrested, held, or present in a district other than that in which he is alleged to have committed an act in violation of a law of the United States not punishable by death or life imprisonment may, after he has been advised by counsel and with the approval of the court and the United States attorney for each district, consent to be proceeded against as a juvenile delinquent in the district in which he is arrested, held, or present. The consent shall be given in writing before the court but only after the court has apprised the juvenile of his rights, including the right to be returned to the district in which he is alleged to have committed the act, and of the consequences of such consent.".

Sentence and judgment.

(31) Rule 32(a)(1) is amended to read as follows:

"(1) IMPOSITION OF SENTENCE.—Sentence shall be imposed without unreasonable delay. Before imposing sentence the court shall afford counsel an opportunity to speak on behalf of the defendant and shall address the defendant personally and ask him if he wishes to make a statement in his own behalf and to present any information in mitigation of punishment. The attorney for the government shall have an equivalent opportunity to speak to the court.".

(32) Rule 32(c)(1) is amended to read as follows:

"(1) WHEN MADE.—The probation service of the court shall make a presentence investigation and report to the court before the imposition of sentence or the granting of probation unless, with the permission of the court, the defendant waives a presentence investigation and report, or the court finds that there is in the record information sufficient to enable the meaningful exercise of sentencing discretion, and the court explains this finding on the record.

"The report shall not be submitted to the court or its contents disclosed to anyone unless the defendant has pleaded guilty or nolo contendere or has been found guilty, except that a judge may, with the written consent of the defendant, inspect a presentence report at any time.".

(33) Rule 32(c)(3)(A) is amended to read as follows:

"(A) Before imposing sentence the court shall upon request permit the defendant, or his counsel if he is so represented, to read the report of the presentence investigation exclusive of any recommendation as to sentence, but not to the extent that in the opinion of the court the report contains diagnostic opinion which might seriously disrupt a program of rehabilitation, sources of information obtained upon a promise of confidentiality, or any other information which, if disclosed, might result in harm, physical or otherwise, to the defendant or other persons; and the court shall afford the defendant or his counsel an opportunity to comment thereon and, at the discretion of the court, to introduce testimony or other information relating to any alleged factual inaccuracy contained in the presentence report.".

(34) Rule 32(c)(3)(D) is amended to read as follows:

"(D) Any copies of the presentence investigation report made available to the defendant or his counsel and the attorney for the government shall be returned to the probation officer immediately following the imposition of sentence or the granting of probation, unless the court, in its discretion otherwise directs.".

Presence of the defendant.

(35) Rule 43(b)(2) is amended to read as follows:

"(2) after being warned by the court that disruptive conduct will cause him to be removed from the courtroom, persists in conduct which is such as to justify his being excluded from the courtroom.".

Approved July 31, 1975.

LEGISLATIVE HISTORY:

HOUSE REPORTS: No. 94–247 (Comm. on the Judiciary) and No. 94–414 (Comm. of Conference).
SENATE REPORT No. 94–336 (Comm. of Conference).
CONGRESSIONAL RECORD, Vol. 121 (1975):
June 6, 16, 18, 23, considered and passed House.
July 17, considered and passed Senate, amended.
July 30, House and Senate agreed to conference report.

Public Law 94–65
94th Congress

Joint Resolution

July 31, 1975
[S.J. Res. 41]

To provide for the reappointment of Doctor John Nicholas Brown as citizen regent of the Board of Regents of the Smithsonian Institution.

Smithsonian Instituion.

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the vacancy in the Board of Regents of the Smithsonian Institution, of the class other than Members of Congress, which will occur by the expiration of the term of Doctor John Nicholas Brown, of Rhode Island, on June 13, 1975, be filled by the reappointment of the present incumbent for the statutory term of six years.

Approved July 31, 1975.

LEGISLATIVE HISTORY:

HOUSE REPORT No. 94–249 accompanying H.J. Res. 354 (Comm. on House Administration).
SENATE REPORT No. 94–122 (Comm. on Rules and Administration).
CONGRESSIONAL RECORD, Vol. 121 (1975):
May 14, considered and passed Senate.
July 21, considered and passed House, in lieu of H.J. Res. 354.

Public Law 94-66
94th Congress

Joint Resolution

To provide for the reappointment of Thomas J. Watson, Junior, as citizen regent of the Board of Regents of the Smithsonian Institution.

July 31, 1975
[S.J. Res. 42]

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the vacancy in the Board of Regents of the Smithsonian Institution, of the class other than Members of Congress, which will occur by the expiration of the term of Thomas J. Watson, Junior, of Connecticut, on June 17, 1975, be filled by the reappointment of the present incumbent for the statutory term of six years.

Smithsonian Institution.

Approved July 31, 1975.

LEGISLATIVE HISTORY:

HOUSE REPORT No. 94-248 accompanying H.J. Res. 353 (Comm. on House Administration).
SENATE REPORT No. 94-123 (Comm. on Rules and Administration).
CONGRESSIONAL RECORD, Vol. 121 (1975):
May 14, considered and passed Senate.
July 21, considered and passed House, in lieu of H.J. Res. 353.

Public Law 94-67
94th Congress

Joint Resolution

Aug. 5,, 1975
[S.J. Res. 23]

To restore posthumously full rights of citizenship to General R. E. Lee.

Whereas this entire Nation has long recognized the outstanding virtues of courage, patriotism, and selfless devotion to duty of General R. E. Lee, and has recognized the contribution of General Lee in healing the wounds of the War Between the States, and

Whereas, in order to further the goal of reunion of this country, General Lee, on June 13, 1865, applied to the President for amnesty and pardon and restoration of his rights as a citizen, and

Whereas this request was favorably endorsed by General Ulysses S. Grant on June 16, 1865, and

Whereas, General Lee's full citizenship was not restored to him subsequent to his request of June 13, 1865, for the reason that no accompanying oath of allegiance was submitted, and

Whereas, on October 12, 1870, General Lee died, still denied the right to hold any office and other rights of citizenship, and

Whereas a recent discovery has revealed that General Lee did in fact on October 2, 1865, swear allegiance to the Constitution of the United States and to the Union, and

Whereas it appears that General Lee thus fulfilled all of the legal as well as moral requirements incumbent upon him for restoration of his citizenship: Now, therefore, be it

Robert E. Lee. Citizenship restored posthumously. USC prec. title 1.

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That, in accordance with section 3 of amendment 14 of the United States Constitution, the legal disabilities placed upon General Lee as a result of his service as General of the Army of Northern Virginia are removed, and that General R. E. Lee is posthumously restored to the full rights of citizenship, effective June 13, 1865.

Approved August 5, 1975.

LEGISLATIVE HISTORY:

HOUSE REPORT No. 94-324 (Comm. on the Judiciary).
SENATE REPORT No. 94-44 (Comm. on the Judiciary).
CONGRESSIONAL RECORD, Vol. 121 (1975):
Apr. 10, considered and passed Senate.
July 22, considered and passed House.
WEEKLY COMPILATION OF PRESIDENTIAL DOCUMENTS, Vol. 11, No. 32:
Aug. 5, Presidential statement.

Public Law 94-68
94th Congress

An Act

To amend the Consolidated Farm and Rural Development Act.

Aug. 5, 1975
[S. 555]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Consolidated Farm and Rural Development Act (the Act) is amended as follows:

Emergency farm loans.
7 USC 1921 note.

SEC. 2. Subsection (a) of section 321 of the Act is amended to read: "The Secretary shall designate any area in the United States, Puerto Rico, and the Virgin Islands as an emergency area if he finds that a natural disaster has occurred in said area which substantially affected farming, ranching, or aquaculture operations. For purposes of this subtitle 'aquaculture' means husbandry of aquatic organisms under a controlled or selected environment.".

7 USC 1961.

"Aquaculture."

SEC. 3. Subsection (b) of section 321 of the Act is amended as follows:

(a) in the first sentence after the words "major disaster" insert "or emergency", strike the words "oyster planters" and "oyster planting" and insert in lieu thereof the words "persons engaged in aquaculture" and "aquaculture", respectively; and

(b) delete everything after the first sentence, strike the period, and insert: "and are unable to obtain sufficient credit elsewhere to finance their actual needs at reasonable rates and terms, taking into consideration prevailing private and cooperative rates and terms in the community in or near which the applicant resides for loans for similar purposes and periods of time. The provisions of this subsection shall not be applicable to loan applications filed prior to July 9, 1975.".

SEC. 4. Section 322 of the Act is amended to read: "Loans may be made under this subtitle for any of the purposes authorized for loans under subtitle A or B of this title, as well as for crop or livestock changes deemed desirable by the applicant: *Provided*, That such loans may include, but are not limited to, the amount of the actual loss sustained as a result of the disaster.".

7 USC 1962.

SEC. 5. Section 324 of the Act is amended to read: "Loans made or insured under this Act shall be (1) at a rate of interest not in excess of 5 per centum per annum on loans up to the amount of the actual loss caused by the disaster, and (2) for any loans or portions of loans in excess of that amount, the interest rate will be that prevailing in the private market for similar loans, as determined by the Secretary. All such loans shall be repayable at such times as the Secretary may determine, taking into account the purposes of the loan and the nature and effect of the disaster, but not later than provided for loans for similar purposes under subtitles A and B of this title, and upon the full personal liability of the borrower and upon the best security available, as the Secretary may prescribe: *Provided*, That the security is adequate to assure repayment of the loans; except that if such security is not available because of the disaster, the Secretary shall (i) accept as security such collateral as is available, a portion or all of which may have depreciated in value due to the disaster and which in the opinion of the Secretary, together with his confidence in the repayment ability

Interest rate.
7 USC 1964.

Liability and security.

7 USC 1922, 1941.

of the applicant, is adequate security for the loan, and (ii) make such loan repayable at such times as he may determine, not later than that provided under subtitles A and B of this title, as justified by the needs of the applicant: *Provided further*, That for any disaster occurring after January 1, 1975, the Secretary, if the loan is for a purpose described in subtitle B of this title, may make the loan repayable at the end of a period of more than seven years, but not more than twenty years, if the Secretary determines that the need of the loan applicant justifies such a longer repayment period: *Provided further*, That notwithstanding the provisions of any other law, any loan made by the Small Business Administration in connection with a disaster occurring on or after the date of enactment of this amendment under section 7(b)(1), (2), or (4) of the Small Business Act shall bear interest at the rate determined in the first paragraph following section 7(b)(8) of such Act for loans under paragraphs (3), (5), (6), (7), or (8) of section 7(b).".

7 USC 1922, 1941.

15 USC 636.

SEC. 6. Section 325 of the Act is amended to read as follows: "The Secretary may delegate authority to any State director of the Farmers Home Administration to make emergency loans in any area within a State of the United States, Puerto Rico, or the Virgin Islands on the same terms and conditions set out in section 321(a) without any formal area designation being made: *Provided*, That the State director finds that a natural disaster has substantially affected twenty-five or less farming, ranching, or aquaculture operations in the area.".

7 USC 1965.

7 USC 1961.

SEC. 7. At the end of subtitle C of the Act, add a new section 329 stating: "An applicant seeking financial assistance based on production losses must show that a single enterprise which constitutes a basic part of his farming, ranching, or aquaculture operation has sustained at least a 20 per centum loss of normal per acre or per animal production as a result of the disaster.".

7 USC 1970.

SEC. 8. At the end of subtitle C of the Act, add a new section 330 stating: "Subsequent loans, to continue the farming, ranching, or aquaculture operation may be made under this subtitle on an annual basis, for not to exceed five additional years, to eligible borrowers, at the prevailing rate of interest in the private market for similar loans as determined by the Secretary, when the financial situation of the farming, ranching, or aquaculture operation has not improved sufficiently to permit the borrower to obtain such financing from other sources.".

7 USC 1971.

SEC. 9. At the end of subtitle D of the Act, add a new section 345 to read as follows:

7 USC 1993.

"SEC. 345. On or before February 15 of each calendar year beginning with calendar year 1976, or such other date as may be specified by the appropriate Committee, the Secretary of Agriculture shall testify before the Senate Committee on Agriculture and Forestry and the House Committee on Agriculture and provide justification in detail of the amount requested in the budget to be appropriated for the next fiscal year for the purposes authorized in the Consolidated Farm and Rural Development Act, as amended, and of the amounts estimated to be utilized during such fiscal year from the Agricultural Credit Insurance Fund and the Rural Development Insurance Fund.".

Testimony before congressional committees.
7 USC 1993.

7 USC 1921 note.

Approved August 5, 1975.

LEGISLATIVE HISTORY:

HOUSE REPORTS: No. 94-211 (Comm. on Agriculture) and No. 94-378 (Comm. of Conference).

SENATE REPORTS: No. 94-59 (Comm. on Agriculture and Forestry) and No. 94-290 (Comm. of Conference).

CONGRESSIONAL RECORD, Vol. 121 (1975):

Mar. 26, considered and passed Senate.

July 9, considered and passed House, amended.

July 21, Senate agreed to conference report.

July 25, House agreed to conference report.

Public Law 94–69
94th Congress

An Act

Aug. 5, 1975
[H.R. 5447]

To amend the Act of August 16, 1971, as amended, which established the National Advisory Committee on Oceans and Atmosphere, to increase and extend the appropriation authorization thereunder, and for other purposes.

National Advisory Committee on Oceans and Atmosphere. Appropriation authorization. 33 USC 857–12.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 7 of the Act of August 16, 1971, as amended (Public Law 92–125, 85 Stat. 344; Public Law 92–567, 86 Stat. 1181), is amended to read as follows: "There are hereby authorized to be appropriated to the Secretary of Commerce such sums as may be necessary for expenses incident to the administration of this Act, not to exceed the following amounts: (1) $400,000 for the fiscal year ending June 30, 1973, and for each of the 2 fiscal years immediately thereafter; (2) $445,000 for the fiscal year ending June 30, 1976; (3) $111,250 for the transitional period (July 1 through September 30, 1976); and (4) $445,000 for the fiscal year ending September 30, 1977.".

SEC. 2. Section 4 of such Act (33 U.S.C. 857–9) is amended—

(1) by inserting after "review of" and before "the progress" the following: "national ocean policy, coastal zone management, and"; and

Reports to Congress.

(2) striking out "the President." at the end of the second sentence thereof and inserting in lieu thereof "the President and the Congress.".

Approved August 5, 1975.

LEGISLATIVE HISTORY:

HOUSE REPORT No. 94–222 (Comm. on Merchant Marine and Fisheries).
SENATE REPORT No. 94–268 (Comm. on Commerce).
CONGRESSIONAL RECORD, Vol. 121 (1975):
May 19, considered and passed House.
July 11, considered and passed Senate, amended.
July 24, House concurred in Senate amendments.

Public Law 94-70
94th Congress

An Act

To give effect to the International Convention for the Conservation of Atlantic Tunas, signed at Rio de Janeiro May 14, 1966, by the United States of America and other countries, and for other purposes.

Aug. 5, 1975
[H.R. 5522]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Atlantic Tunas Convention Act of 1975".

Atlantic Tunas Convention Act of 1975.
16 USC 971 note.

DEFINITIONS

SEC. 2. For the purpose of this Act— 16 USC 971.

(1) The term "Convention" means the International Convention for the Conservation of Atlantic Tunas, signed at Rio de Janeiro May 14, 1966, including any amendments or protocols which are or become effective for the United States. 20 UST 2887.

(2) The term "Commission" means the International Commission for the Conservation of Atlantic Tunas provided for in article III of the Convention.

(3) The term "Council" means the Council established within the International Commission for the Conservation of Atlantic Tunas pursuant to article V of the Convention.

(4) The term "fisheries zone" means the entire zone established by the United States under the Act of October 14, 1966 (80 Stat. 908; 16 U.S.C. 1091-1094), or similar zones established by other parties to the Convention to the extent that such zones are recognized by the United States.

(5) The term "fishing" means the catching, taking, or fishing for, or the attempted catching, taking, or fishing for any species of fish covered by the Convention, or any activities in support thereof.

(6) The term "fishing vessel" means any vessel engaged in catching fish or processing or transporting fish loaded on the high seas, or any vessel outfitted for such activities.

(7) The term "Panel" means any panel established by the Commission pursuant to article VI of the Convention.

(8) The term "person" means every individual, partnership, corporation, and association subject to the jurisdiction of the United States.

(9) The term "Secretary" means the Secretary of Commerce.

(10) The term "State" includes each of the States of the United States, the District of Columbia, the Commonwealth of Puerto Rico, and the territories and possessions of the United States.

COMMISSIONERS

SEC. 3. (a) The United States shall be represented by not more than three Commissioners who shall serve as delegates of the United States on the Commission, and who may serve on the Council and Panels of the Commission as provided for in the Convention. Such Commissioners shall be appointed by and serve at the pleasure of the President. 16 USC 971a.

Not more than one such Commissioner shall be a salaried employee of any State or political subdivision thereof, or the Federal Government. The Commissioners shall be entitled to select a Chairman and to adopt such rules of procedure as they find necessary.

(b) The Secretary of State, in consultation with the Secretary, may designate from time to time and for periods of time deemed appropriate Alternate United States Commissioners to the Commission. Any Alternate United States Commissioner may exercise at any meeting of the Commission, Council, any Panel, or the advisory committee established pursuant to section 4 of this Act, all powers and duties of a United States Commissioner in the absence of any Commissioner appointed pursuant to subsection (a) of this section for whatever reason. The number of such Alternate United States Commissioners that may be designated for any such meeting shall be limited to the number of United States Commissioners appointed pursuant to subsection (a) of this section who will not be present at such meeting.

(c) The United States Commissioners or Alternate Commissioners, although officers of the United States while so serving, shall receive no compensation for their services as such Commissioners or Alternate Commissioners.

ADVISORY COMMITTEE

16 USC 971b.

SEC. 4. The United States Commissioners shall appoint an advisory committee which shall be composed of not less than five nor more than twenty individuals who shall be selected from the various groups concerned with the fisheries covered by the Convention. Each member of the advisory committee shall serve for a term of two years and be eligible for reappointment. Members of the advisory committee may attend all public meetings of the Commission, Council, or any Panel and any other meetings to which they are invited by the Commission, Council, or any Panel. The advisory committee shall be invited to attend all nonexecutive meetings of the United States Commissioners and at such meetings shall be given opportunity to examine and to be heard on all proposed programs of investigation, reports, recommendations, and regulations of the Commission. Members of the advisory committee shall receive no compensation for their services as such members. On approval by the United States Commissioners—

20 UST 2887.

Transportation expenses.

(1) if not more than three members of the advisory committee are designated by the committee to attend any meeting of the Commission, Council, or advisory committee, or of any Panel, each of such members shall be paid for his actual transportation expenses and per diem incident to his attendance; and

(2) in any case in which more than three members are designated by the advisory committee to attend any such meeting, each such member to whom paragraph (1) does not apply may be paid for his actual transportation expenses and per diem incident to his attendance.

SECRETARY OF STATE TO ACT FOR THE UNITED STATES

16 USC 971c.

SEC. 5. (a) The Secretary of State is authorized to receive on behalf of the United States, reports, requests, and other communications of the Commission, and to act thereon directly or by reference to the appropriate authorities. The Secretary of State, with the concurrence of the Secretary and, for matters relating to enforcement, the Secretary of the department in which the Coast Guard is operating, is authorized to take appropriate action on behalf of the United States

with regard to recommendations received from the Commission pursuant to article VIII of the Convention. The Secretary and, when appropriate, the Secretary of the department in which the Coast Guard is operating, shall inform the Secretary of State as to what action he considers appropriate within five months of the date of the notification of the recommendation from the Commission, and again within forty-five days of the additional sixty-day period provided by the Convention if any objection is presented by another contracting party to the Convention, or within thirty days of the date of the notification of an objection made within the additional sixty-day period, whichever date shall be the later. After any notification from the Commission that an objection of the United States is to be considered as having no effect, the Secretary shall inform the Secretary of State as to what action he considers appropriate within forty-five days of the sixty-day period provided by the Convention for reaffirming objections. The Secretary of State shall take steps under the Convention to insure that a recommendation pursuant to article VIII of the Convention does not become effective for the United States prior to its becoming effective for all contracting parties conducting fisheries affected by such recommendation on a meaningful scale in terms of their effect upon the success of the conservation program, unless he determines, with the concurrence of the Secretary, and, for matters relating to enforcement, the Secretary of the department in which the Coast Guard is operating, that the purposes of the Convention would be served by allowing a recommendation to take effect for the United States at some earlier time. 20 UST 2887.

(b) The Secretary of State, in consultation with the Secretary and the Secretary of the department in which the Coast Guard is operating, is authorized to enter into agreements with any contracting party, pursuant to paragraph 3 of article IX of the Convention, relating to cooperative enforcement of the provisions of the Convention, recommendations in force for the United States and such party or parties under the Convention, and regulations adopted by the United States and such contracting party or parties pursuant to recommendations of the Commission. Such agreements may authorize personnel of the United States to enforce measures under the Convention and under regulations of another party with respect to persons under that party's jurisdiction, and may authorize personnel of another party to enforce measures under the Convention and under United States regulations with respect to persons subject to the jurisdiction of the United States. Enforcement under such an agreement may not take place within the territorial seas or fisheries zone of the United States. Such agreements shall not subject persons or vessels under the jurisdiction of the United States to prosecution or assessment of penalties by any court or tribunal of a foreign country. Cooperative enforcement agreements.

ADMINISTRATION

SEC. 6. (a) The Secretary is authorized and directed to administer and enforce all of the provisions of the Convention, this Act, and regulations issued pursuant thereto, except to the extent otherwise provided for in this Act. In carrying out such functions the Secretary is authorized and directed to adopt such regulations as may be necessary to carry out the purposes and objectives of the Convention and this Act, and with the concurrence of the Secretary of State, he may cooperate with the duly authorized officials of the government of any party to the Convention. In addition, the Secretary may utilize, 16 USC 971d. Regulations.

with the concurrence of the Secretary of the department in which the Coast Guard is operating insofar as such utilization involves enforcement at sea, with or without reimbursement and by agreement with any other Federal department or agency, or with any agency of any State, the personnel, services, and facilities of that agency for enforcement purposes with respect to any vessel in the fisheries zone, or wherever found, with respect to any vessel documented under the laws of the United States, and any vessel numbered or otherwise licensed under the laws of any State. When so utilized, such personnel of the States of the United States are authorized to function as Federal law enforcement agents for these purposes, but they shall not be held and considered as employees of the United States for the purposes of any laws administered by the Civil Service Commission.

(b) Enforcement activities at sea under the provisions of this Act for fishing vessels subject to the jurisdiction of the United States shall be primarily the responsibility of the Secretary of the department in which the Coast Guard is operating, in cooperation with the Secretary and the United States Customs Service. The Secretary after consultation with the Secretary of the department in which the Coast Guard is operating, shall adopt such regulations as may be necessary to provide for procedures and methods of enforcement pursuant to article IX of the Convention.

Regulations.

20 UST 2887.

Regulations.

(c)(1) Upon favorable action by the Secretary of State under section 5(a) of this Act on any recommendation of the Commission made pursuant to article VIII of the Convention, the Secretary shall promulgate, pursuant to this subsection, such regulations as may be necessary and appropriate to carry out such recommendation.

Publication in Federal Register.

(2) To promulgate regulations referred to in paragraph (1) of this subsection, the Secretary shall publish in the Federal Register a general notice of proposed rulemaking and shall afford interested persons an opportunity to participate in the rulemaking through (A) submission of written data, views, or arguments, and (B) oral presentation at a public hearing. Such regulations shall be published in the Federal Register and shall be accompanied by a statement of the considerations involved in the issuance of the regulations, and by a statement, based on inquiries and investigations, assessing the nature and effectiveness of the measures for the implementation of the Commission's recommendations which are being or will be carried out by countries whose vessels engage in fishing the species subject to such recommendations within the waters to which the Convention applies. After publication in the Federal Register, such regulations shall be applicable to all vessels and persons subject to the jurisdiction of the United States on such date as the Secretary shall prescribe. The Secretary shall suspend at any time the application of any such regulation when, after consultation with the Secretary of State and the United States Commissioners, he determines that fishing operations in the Convention area of a contracting party for whom the regulations are effective are such as to constitute a serious threat to the achievement of the Commission's recommendations.

Publication in Federal Register.

(3) The regulations required to be promulgated under paragraph (1) of this subsection may—

(A) select for regulation one or more of the species covered by the Convention;

(B) divide the Convention waters into areas;

(C) establish one or more open or closed seasons as to each such area;

(D) limit the size of the fish and quantity of the catch which may be taken from each area within any season during which fishing is allowed;

(E) limit or prohibit the incidental catch of a regulated species which may be retained, taken, possessed, or landed by vessels or persons fishing for other species of fish;

(F) require records of operations to be kept by any master or other person in charge of any fishing vessel;

(G) require such clearance certificates for vessels as may be necessary to carry out the purposes of the Convention and this Act; 20 UST 2887.

(H) require proof satisfactory to the Secretary that any fish subject to regulation pursuant to a recommendation of the Commission offered for entry into the United States has not been taken or retained contrary to the recommendations of the Commission made pursuant to article VIII of the Convention which have been adopted as regulations pursuant to this section; and

(I) impose such other requirements and provide for such other measures as the Secretary may deem necessary to implement any recommendation of the Commission.

(4) Upon the promulgation of regulations provided for in paragraph (3) of this subsection, the Secretary shall promulgate, with the concurrence of the Secretary of State and pursuant to the procedures prescribed in paragraph (2) of this subsection, additional regulations which shall become effective simultaneously with the application of the regulations provided for in paragraph (3) of this subsection, which prohibit— Regulations.

(A) the entry into the United States of fish in any form of those species which are subject to regulation pursuant to a recommendation of the Commission and which were taken from the Convention area in such manner or in such circumstances as would tend to diminish the effectiveness of the conservation recommendations of the Commission; and

(B) the entry into the United States, from any country when the vessels of such country are being used in the conduct of fishing operations in the Convention area in such manner or in such circumstances as would tend to diminish the effectiveness of the conservation recommendations of the Commission, of fish in any form of those species which are subject to regulation pursuant to a recommendation of the Commission and which were taken from the Convention area.

(5) In the case of repeated and flagrant fishing operations in the Convention area by the vessels of any country which seriously threaten the achievement of the objectives of the Commission's recommendations, the Secretary with the concurrence of the Secretary of State, may by regulations promulgated pursuant to paragraph (2) of this subsection prohibit the entry in any form from such country of other species covered by the Convention as may be under investigation by the Commission and which were taken in the Convention area. Any such prohibition shall continue until the Secretary is satisfied that the condition warranting the prohibition no longer exists, except that all fish in any form of the species under regulation which were previously prohibited from entry shall continue to be prohibited from entry.

(d)(1) Not withstanding section 5(a) and subsection (c) of this section, the recommendations of the Commission concerning bluefin tuna (Thunnus thynnus thynnus) which were proposed at the third

regular meeting of the Council during the period beginning November 20 and ending November 26, 1974, shall apply with respect to persons and vessels subject to the jurisdiction of the United States immediately upon the taking effect of the regulations required to be promulgated under paragraph (2) of this subsection.

Regulations.

(2) Not later than the thirtieth day after the date of enactment of this Act, the Secretary shall promulgate such regulations as may be necessary and appropriate to carry out the purposes of paragraph (1) of this subsection, including, after consultation with the Secretary of the department in which the Coast Guard is operating, regulations providing procedures and methods of enforcement. Notwithstanding provisions of section 553 of title 5 of the United States Code, such regulations may be promulgated without general notice of proposed rulemaking, and such regulations may take effect on the date they are published in the Federal Register. Such regulations shall remain in force and effect with respect to persons and vessels subject to the jurisdiction of the United States until the last date on which the recommendations referred to in paragraph (1) can take effect under paragraph (3) of article VIII of the Convention, and if such recommendations do take effect under the Convention with respect to the United States on or before such last date, such regulations shall remain in force and effect, subject to the provisions of the Convention and this Act, for so long as such recommendations are so in effect.

Publication in Federal Register.

20 UST 2887.

VIOLATIONS; FINES AND FORFEITURES; APPLICATION OF RELATED LAWS

16 USC 971e.

SEC. 7. (a) It shall be unlawful—

(1) for any person in charge of a fishing vessel or any fishing vessel subject to the jurisdiction of the United States to engage in fishing in violation of any regulation adopted pursuant to section 6 of this Act; or

(2) for any person subject to the jurisdiction of the United States to ship, transport, purchase, sell, offer for sale, import, export, or have in custody, possession, or control any fish which he knows, or should have known, were taken or retained contrary to the recommendations of the Commission made pursuant to article VIII of the Convention and adopted as regulations pursuant to section 6 of this Act, without regard to the citizenship of the person or vessel which took the fish.

(b) It shall be unlawful for the master or any person in charge of any fishing vessel subject to the jurisdiction of the United States to fail to make, keep, or furnish any catch returns, statistical records, or other reports as are required by regulations adopted pursuant to this Act to be made, kept, or furnished by such master or person.

(c) It shall be unlawful for the master or any person in charge of any fishing vessel subject to the jurisdiction of the United States to refuse to permit any person authorized to enforce the provisions of this Act and any regulations adopted pursuant thereto, to board such vessel and inspect its catch, equipment, books, documents, records, or other articles or question the persons onboard in accordance with the provisions of this Act, or the Convention, as the case may be, or to obstruct such officials in the execution of such duties.

(d) It shall be unlawful for any person to import, in violation of any regulation adopted pursuant to section 6(c) or (d) of this Act, from any country, any fish in any form of those species subject to regulation pursuant to a recommendation of the Commission, or any fish in any form not under regulation but under investigation by the

Commission, during the period such fish have been denied entry in accordance with the provisions of section 6 (c) or (d) of this Act. In the case of any fish as described in this subsection offered for entry in the United States, the Secretary shall require proof satisfactory to him that such fish is not ineligible for such entry under the terms of section 6 (c) or (d) of this Act.

(e) (1) Any person who—

(A) violates any provision of subsection (a) of this section shall be assessed a civil penalty of not more than $25,000, and for any subsequent violation of such subsection (a) shall be assessed a civil penalty of not more than $50,000;

(B) violates any provision of subsection (b) or (c) of this section shall be assessed a civil penalty of not more than $1,000, and for any subsequent violation of such subsection (b) or (c) shall be assessed a civil penalty of not more than $5,000; or

(C) violates any provision of subsection (d) of this section shall be assessed a civil penalty of not more than $100,000.

(2) The Secretary is responsible for the assessment of the civil penalties provided for in paragraph (1). The Secretary may remit or mitigate any civil penalty assessed by him under this subsection for good cause shown.

(3) No penalty shall be assessed under this subsection unless the person accused of committing any violation is given notice and opportunity for a hearing with respect to such violation. Notice and hearing.

(4) Upon any failure of any person to pay a penalty assessed under this subsection, the Secretary may request the Attorney General to institute a civil action in a district court of the United States for any district in which such person is found, resides, or transacts business to collect the penalty and such court shall have jurisdiction to hear and decide any such action. Civil action.

(f) All fish taken or retained in violation of subsection (a) of this section, or the monetary value thereof, may be forfeited. Forfeiture.

(g) All provisions of law relating to the seizure, judicial forfeiture, and condemnation of a cargo for violation of the customs laws, the disposition of such cargo or the proceeds from the sale thereof, and the remission or mitigation of such forfeitures shall apply to seizures and forfeitures incurred, or alleged to have been incurred, under the provisions of this Act, insofar as such provisions of law are applicable and not inconsistent with the provisions of this Act.

ENFORCEMENT

SEC. 8. (a) Any person authorized in accordance with the provisions of this Act to enforce the provisions of this Act and the regulations issued thereunder may— 16 USC 971f.

(1) with or without a warrant, board any vessel subject to the jurisdiction of the United States and inspect such vessel and its catch and, if as a result of such inspection, he has reasonable cause to believe that such vessel or any person on board is engaging in operations in violation of this Act or any regulations issued thereunder, he may, with or without a warrant or other process, arrest such person;

(2) arrest, with or without a warrant, any person who violates the provisions of this Act or any regulation issued thereunder in his presence or view;

(3) execute any warrant or other process issued by an officer or court of competent jurisdiction; and

(4) seize, whenever and wherever lawfully found, all fish taken or retained by a vessel subject to the jurisdiction of the United States in violation of the provisions of this Act or any regulations issued pursuant thereto. Any fish so seized may be disposed of pursuant to an order of a court of competent jurisdiction, or, if perishable, in a manner prescribed by regulation of the Secretary.

(b) To the extent authorized under the convention or by agreements between the United States and any contracting party concluded pursuant to section 5(b) of this Act for international enforcement, the duly authorized officials of such party shall have the authority to carry out the enforcement activities specified in section 8(a) of this Act with respect to persons or vessels subject to the jurisdiction of the United States, and the officials of the United States authorized pursuant to this section shall have the authority to carry out the enforcement activities specified in section 8(a) of this Act with respect to persons or vessels subject to the jurisdiction of such party, except that where any agreement provides for arrest or seizure of persons or vessels under United States jurisdiction it shall also provide that the person or vessel arrested or seized shall be promptly handed over to a United States enforcement officer or another authorized United States official.

(c) Notwithstanding the provisions of section 2464 of title 28, United States Code, when a warrant of arrest or other process in rem is issued in any cause under this section, the marshal or other officer shall stay the execution of such process, or discharge any fish seized if the process has been levied, on receiving from the claimant of the fish a bond or stipulation for the value of the property with sufficient surety to be approved by a judge of the district court having jurisdiction of the offense, conditioned to deliver the fish seized, if condemned, without impairment in value or, in the discretion of the court, to pay its equivalent value in money or otherwise to answer the decree of the court in such cause. Such bond or stipulation shall be returned to the court and judgment thereon against both the principal and sureties may be recovered in event of any breach of the conditions thereof as determined by the court. In the discretion of the accused, and subject to the direction of the court, the fish may be sold for not less than its reasonable market value at the time of seizure and the proceeds of such sale placed in the registry of the court pending judgment in the case.

COOPERATION: COMMISSION'S FUNCTIONS NOT RESTRAINED BY THIS ACT OR STATE LAWS

16 USC 971g.

SEC. 9. (a) The United States Commissioners, through the Secretary of State and with the concurrence of the agency, institution, or organization concerned, may arrange for the cooperation of agencies of the United States Government, and of State and private institutions and organizations in carrying out the provisions of article IV of the Convention.

20 UST 2887.

(b) All agencies of the Federal Government are authorized, upon the request of the Commission, to cooperate in the conduct of scientific and other programs, and to furnish facilities and personnel for the purpose of assisting the Commission in carrying out its duties under the Convention. 20 UST 2887.

(c) None of the prohibitions deriving from this Act, or contained in the laws or regulations of any State, shall prevent the Commission from conducting or authorizing the conduct of fishing operations and biological experiments at any time for purposes of scientific investigation, or shall prevent the Commission from discharging any other duties prescribed by the Convention.

(d) (1) Except as provided in paragraph (2) of this subsection, nothing in this Act shall be construed so as to diminish or to increase the jurisdiction of any State in the territorial sea of the United States.

(2) In the event a State does not request a formal hearing and after notice by the Secretary, the regulations promulgated pursuant to this Act to implement recommendations of the Commission shall apply within the boundaries of any State bordering on any Convention area if the Secretary determines that any such State—

(A) has not, within a reasonable period of time after the promulgation of regulations pursuant to this Act, enacted laws or promulgated regulations which implement any such recommendation of the Commission within the boundaries of such State; or

(B) has enacted laws or promulgated regulations which (i) are less restrictive than the regulations promulgated pursuant to this Act, or (ii) are not effectively enforced.

If a State requests the opportunity for an agency hearing on the record, the Secretary shall not apply regulations promulgated pursuant to this Act within that State's boundaries unless the hearing record supports a determination under paragraph (A) or (B). Such regulations shall apply until the Secretary determines that the State is effectively enforcing within its boundaries measures which are not less restrictive than such regulations.

(e) To insure that the purposes of subsection (d) are carried out, the Secretary shall undertake a continuing review of the laws and regulations of all States to which subsection (d) applies or may apply and the extent to which such laws and regulations are enforced. Laws and regulations, review.

APPROPRIATIONS

SEC. 10. There are authorized to be appropriated out of any moneys in the Treasury not otherwise appropriated, for fiscal year 1976, the period beginning July 1, 1976, and ending September 30, 1976, and fiscal year 1977 such sums as may be necessary for carrying out the purposes and provisions of this Act, including— 16 USC 971h.

(1) necessary travel expenses of the United States Commissioners, Alternate United States Commissioners, and authorized advisors in accordance with the Federal Travel Regulations and sections 5701, 5702, 5704 through 5708, and 5731 of title 5, United States Code; and

(2) the United States share of the joint expenses of the Commission as provided in article X of the convention.

SEPARABILITY

16 USC 971 note.

SEC. 11. If any provision of this Act or the application of such provision to any circumstance or persons shall be held invalid, the validity of the remainder of the Act and the applicability of such provision to other circumstances or persons shall not be affected thereby.

Approved August 5, 1975.

LEGISLATIVE HISTORY:

HOUSE REPORT No. 94-295 (Comm. on Merchant Marine and Fisheries).
SENATE REPORT No. 94-269 (Comm. on Commerce).
CONGRESSIONAL RECORD, Vol. 121 (1975):
June 16, considered and passed House.
July 11, considered and passed Senate, amended.
July 22, House concurred in Senate amendments.

Public Law 94-71
94th Congress

An Act

To amend title 38, United States Code, to increase the rates of disability compensation for disabled veterans and to increase the rates of dependency and indemnity compensation, and for other purposes.

Aug. 5, 1975
[H.R. 7767]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Veterans Disability Compensation and Survivor Benefits Act of 1975".

Veterans Disability Compensation and Survivor Benefits Act of 1975.

TITLE I—VETERANS DISABILITY COMPENSATION

SEC. 101. (a) Section 314 of title 38, United States Code, is amended— 38 USC 101 note.

(1) by striking out "$32" in subsection (a) and inserting in lieu thereof "$35";

(2) by striking out "$59" in subsection (b) and inserting in lieu thereof "$65";

(3) by striking out "$89" in subsection (c) and inserting in lieu thereof "$98";

(4) by striking out "$122" in subsection (d) and inserting in lieu thereof "$134";

(5) by striking out "$171" in subsection (e) and inserting in lieu thereof "$188";

(6) by striking out "$211" in subsection (f) and inserting in lieu thereof "$236";

(7) by striking out "$250" in subsection (g) and inserting in lieu thereof "$280";

(8) by striking out "$289" in subsection (h) and inserting in lieu thereof "$324";

(9) by striking out "$325" in subsection (i) and inserting in lieu thereof "$364";

(10) by striking out "$584" in subsection (j) and inserting in lieu thereof "$655";

(11) by striking out "$727" and "$1,017" in subsection (k) and inserting in lieu thereof "$814" and "$1,139", respectively;

(12) by striking out "$727" in subsection (l) and inserting in lieu thereof "$814";

(13) by striking out "$800" in subsection (m) and inserting in lieu thereof "$896";

(14) by striking out "$909" in subsection (n) and inserting in lieu thereof "$1,018";

(15) by striking out "$1,017" in subsections (o) and (p) and inserting in lieu thereof "$1,139";

(16) by striking out "$437" in subsection (r) and inserting in lieu thereof "$489"; and

(17) by striking out "$654" in subsection (s) and inserting in lieu thereof "$732".

(b) The Administrator of Veterans' Affairs may adjust administratively, consistent with the increases authorized by this section, the rates of disability compensation payable to persons within the purview of section 10 of Public Law 85-857 who are not in receipt of compensation payable pursuant to chapter 11 of title 38, United States Code. Rate adjustment, 38 USC 314 note. 38 USC prec. 101. 38 USC 301.

SEC. 102. Section 315(1) of title 38, United States Code, is amended—

(1) by striking out "$36" in subparagraph (A) and inserting in lieu thereof "$40";

(2) by striking out "$61" in subparagraph (B) and inserting in lieu thereof "$67";

(3) by striking out "$77" in subparagraph (C) and inserting in lieu thereof "$85";

(4) by striking out "$95" and "$17" in subparagraph (D) and inserting in lieu thereof "$105" and "$19", respectively;

(5) by striking out "$24" in subparagraph (E) and inserting in lieu thereof "$26";

(6) by striking out "$41" in subparagraph (F) and inserting in lieu thereof "$45";

(7) by striking out "$61" and "$17" in subparagraph (G) and inserting in lieu thereof "$67" and "$19", respectively;

(8) by striking out "$29" in subparagraph (H) and inserting in lieu thereof "$32"; and

(9) by striking out "$55" in subparagraph (I) and inserting in lieu thereof "$61".

SEC. 103. Section 362 of title 38, United States Code, is amended by striking out "$150" and inserting in lieu thereof "$175".

SEC. 104. Section 3010 of title 38, United States Code, is amended—

(1) by redesignating paragraph (2) of subsection (b) as paragraph (3); and

Increased compensation, effective date.

(2) by inserting immediately after paragraph (1) thereof the following new paragraph:

"(2) The effective date of an award of increased compensation shall be the earliest date as of which it is ascertainable that an increase in disability had occurred, if application is received within one year from such date.".

TITLE II—SURVIVORS DEPENDENCY AND INDEMNITY COMPENSATION

Widows.

SEC. 201. Section 411 of title 38, United States Code, is amended to read as follows:

"(a) Dependency and indemnity compensation shall be paid to a widow, based on the pay grade of her deceased husband, at monthly rates set forth in the following table:

"Pay grade	Monthly rate	Pay grade	Monthly rate
E–1	$241	W–4	$344
E–2	248	O–1	304
E–3	255	O–2	315
E–4	270	O–3	337
E–5	278	O–4	356
E–6	284	O–5	392
E–7	298	O–6	441
E–8	315	O–7	478
E–9	[1] 329	O–8	523
W–1	304	O–9	562
W–2	316	O–10	[2] 615
W–3	326		

"[1] If the veteran served as sergeant major of the Army, senior enlisted advisor of the Navy, chief master sergeant of the Air Force, sergeant major of the Marine Corps, or master chief petty officer of the Coast Guard, at the applicable time designated by sec. 402 of this title, the widow's rate shall be $354.

"[2] If the veteran served as Chairman of the Joint Chiefs of Staff, Chief of Staff of the Army, Chief of Naval Operations, Chief of Staff of the Air Force, or Commandant of the Marine Corps, at the applicable time designated by sec. 402 of this title, the widow's rate shall be $660.

"(b) If there is a widow with one or more children below the age of eighteen of a deceased veteran, the dependency and indemnity compensation paid monthly to the widow shall be increased by $29 for each such child.

"(c) The monthly rate of dependency and indemnity compensation payable to a widow shall be increased by $72 if she is (1) a patient in a nursing home or (2) helpless or blind, or so nearly helpless or blind as to need or require the regular aid and attendance of another person.".

Children.

SEC. 202. Section 413 of title 38, United States Code, is amended to read as follows:

"Whenever there is no widow of a deceased veteran entitled to dependency and indemnity compensation, dependency and indemnity compensation shall be paid in equal shares to the children of the deceased veteran at the following monthly rates:

"(1) One child, $121.

"(2) Two children, $175.

"(3) Three children, $225.

"(4) More than three children, $225, plus $45 for each child in excess of three.".

Children, supplemental compensation.

SEC. 203. (a) Subsection (a) of section 414 of title 38, United States Code, is amended by striking out "$64" and inserting in lieu thereof "$72".

(b) Subsection (b) of section 414 of such title is amended by striking out "$108" and inserting in lieu thereof "$121".

(c) Subsection (c) of section 414 of such title is amended by striking out "$55" and inserting in lieu thereof "$62".

Study.
38 USC 411 note.

SEC. 204. (a) The Administrator of Veterans' Affairs shall make a detailed study of claims for dependency and indemnity compensation relating to veterans, as defined in section 101(2), title 38, United States Code, who at time of death during the six-month period September 1, 1975, to March 1, 1976, were receiving disability compensation from the Veterans' Administration based upon a rating total and permanent in nature.

Report.

(b) The report of such study shall include (1) the number of the described cases; (2) the number of cases in which the specified benefit was denied; (3) an analysis of the reasons for each such denial; (4) an analysis of any difficulty which may have been encountered by the claimant in attempting to establish that the death of the veteran concerned was connected with his or her military, naval, or air service in the Armed Forces of the United States; (5) data regarding the current financial status of the widow, widower, children, and parents in each case of denial; and (6) an analysis of whether there has been a significant increase in the use of discretionary authority consistent with revised Veterans' Administration program guide instructions issued March 27, 1975 concerning rating practices and procedures.

Report, submittal to Speaker of the House and President of the Senate.

(c) The report together with such comments and recommendations as the Administrator deems appropriate shall be submitted to the Speaker of the House and the President of the Senate not later than October 1, 1976.

TITLE III—EFFECTIVE DATE

38 USC 314 note.

SEC. 301. The provisions of this Act shall become effective August 1, 1975.

Approved August 5, 1975.

LEGISLATIVE HISTORY:

HOUSE REPORT No. 94-287 (Comm. on Veterans' Affairs).
SENATE REPORT No. 94-214 accompanying S. 1597 (Comm. on Veterans' Affairs).
CONGRESSIONAL RECORD, Vol. 121 (1975):
June 16, considered and passed House.
June 23, considered and passed Senate, amended, in lieu of S. 1597.
July 22, House concurred in Senate amendment with an amendment.
July 24, Senate concurred in House amendment.
WEEKLY COMPILATION OF PRESIDENTIAL DOCUMENTS, Vol. 11, No. 32:
Aug. 6, Presidential statement.

Public Law 94-72
94th Congress

Joint Resolution

To amend the Defense Production Act of 1950, as amended, to extend the National Commission on Supplies and Shortages.

Aug. 5, 1975
[H.J. Res. 560]

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That subsections (d)(2), (h), (i)(2), and (l) of section 720 of the Defense Production Act of 1950, as amended, are amended to read as follows:

National Commission on Supplies and Shortages, extension.
50 USC app. 2169.

"(2) Strike semicolon following 'compensation' and add: ', and may appoint additional nonvoting ex officio members from agencies having jurisdiction over areas being considered by the Commission;'

"(h) In the first sentence strike out 'June 30, 1975' and insert 'March 31, 1976'. In the second sentence strike out 'December 31, 1975' and insert 'October 1, 1976'.

"(2) In the second sentence strike out 'to remain available until December 31, 1975' and insert 'to remain available until October 1, 1976'.

"(l) Strike out 'to remain available until December 31, 1975' and insert 'to remain available until October 1, 1976'."

Approved August 5, 1975.

LEGISLATIVE HISTORY:

CONGRESSIONAL RECORD, Vol. 121 (1975):
July 21, considered and passed House.
July 22, considered and passed Senate.

Public Law 94-73
94th Congress

An Act

Aug. 6, 1975
[H.R. 6219]

To amend the Voting Rights Act of 1965 to extend certain provisions for an additional seven years, to make permanent the ban against certain prerequisites to voting, and for other purposes.

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

Voting Rights Act of 1965, amendments.

TITLE I

42 USC 1973b.

SEC. 101. Section 4(a) of the Voting Rights Act of 1965 is amended by striking out "ten" each time it appears and inserting in lieu thereof "seventeen".

42 USC 1973aa.

SEC. 102. Section 201(a) of the Voting Rights Act of 1965 is amended by—

(1) striking out "Prior to August 6, 1975, no" and inserting "No" in lieu thereof; and

(2) striking out "as to which the provisions of section 4(a) of this Act are not in effect by reason of determinations made under section 4(b) of this Act." and inserting in lieu thereof a period.

TITLE II

Tests or devices, suspension.
42 USC 1973b.

SEC. 201. Section 4(a) of the Voting Rights Act of 1965 is amended by—

(1) inserting immediately after "determinations have been made under" the following: "the first two sentences of";

(2) adding at the end of the first paragraph thereof the following new sentence: "No citizen shall be denied the right to vote in any Federal, State, or local election because of his failure to comply with any test or device in any State with respect to which the determinations have been made under the third sentence of subsection (b) of this section or in any political subdivision with respect to which such determinations have been made as a separate unit, unless the United States District Court for the District of Columbia in an action for a declaratory judgment brought by such State or subdivision against the United States has determined that no such test or device has been used during the ten years preceding the filing of the action for the purpose or with the effect of denying or abridging the right to vote on account of race or color, or in contravention of the guarantees set forth in section 4(f)(2): *Provided*, That no such declaratory judgment shall issue with respect to any plaintiff for a period of ten years after the entry of a final judgment of any court of the United States, other than the denial of a declaratory judgment under this section, whether entered prior to or after the enactment of this paragraph, determining that denials or abridgments of the right to vote on account of race or color, or in contravention of the guarantees set forth in section 4(f)(2) through the use of tests or devices have occurred anywhere in the territory of such plaintiff.";

(3) striking out "the action" in the third paragraph thereof, and by inserting in lieu thereof "an action under the first sentence of this subsection"; and

(4) inserting immediately after the third paragraph thereof the following new paragraph:

"If the Attorney General determines that he has no reason to believe that any such test or device has been used during the ten years preceding the filing of an action under the second sentence of this subsection for the purpose or with the effect of denying or abridging the right to vote on account of race or color, or in contravention of the guarantees set forth in section 4(f)(2), he shall consent to the entry of such judgment.".

SEC. 202. Section 4(b) of the Voting Rights Act of 1965 is amended by adding at the end of the first paragraph thereof the following: "On and after August 6, 1975, in addition to any State or political subdivision of a State determined to be subject to subsection (a) pursuant to the previous two sentences, the provisions of subsection (a) shall apply in any State or any political subdivision of a State which (i) the Attorney General determines maintained on November 1, 1972, any test or device, and with respect to which (ii) the Director of the Census determines that less than 50 per centum of the citizens of voting age were registered on November 1, 1972, or that less than 50 per centum of such persons voted in the Presidential election of November 1972.". 42 USC 1973b.

SEC. 203. Section 4 of the Voting Rights Act of 1965 is amended by adding the following new subsection: Language minorities. 42 USC 1973b.

"(f)(1) The Congress finds that voting discrimination against citizens of language minorities is pervasive and national in scope. Such minority citizens are from environments in which the dominant language is other than English. In addition they have been denied equal educational opportunities by State and local governments, resulting in severe disabilities and continuing illiteracy in the English language. The Congress further finds that, where State and local officials conduct elections only in English, language minority citizens are excluded from participating in the electoral process. In many areas of the country, this exclusion is aggravated by acts of physical, economic, and political intimidation. The Congress declares that, in order to enforce the guarantees of the fourteenth and fifteenth amendments to the United States Constitution, it is necessary to eliminate such discrimination by prohibiting English-only elections, and by prescribing other remedial devices. USC prec. title 1.

"(2) No voting qualification or prerequisite to voting, or standard, practice, or procedure shall be imposed or applied by any State or political subdivision to deny or abridge the right of any citizen of the United States to vote because he is a member of a language minority group.

"(3) In addition to the meaning given the term under section 4(c), the term 'test or device' shall also mean any practice or requirement by which any State or political subdivision provided any registration or voting notices, forms, instructions, assistance, or other materials or information relating to the electoral process, including ballots, only in the English language, where the Director of the Census determines that more than five per centum of the citizens of voting age residing "Test or device."

42 USC 1973b.

in such State or political subdivision are members of a single language minority. With respect to section 4(b), the term 'test or device', as defined in this subsection, shall be employed only in making the determinations under the third sentence of that subsection.

"(4) Whenever any State or political subdivision subject to the prohibitions of the second sentence of section 4(a) provides any registration or voting notices, forms, instructions, assistance, or other materials or information relating to the electoral process, including ballots, it shall provide them in the language of the applicable language minority group as well as in the English language: *Provided*, That where the language of the applicable minority group is oral or unwritten, the State or political subdivision is only required to furnish oral instructions, assistance, or other information relating to registration and voting.".

42 USC 1973c.

SEC. 204. Section 5 of the Voting Rights Act of 1965 is amended by inserting after "November 1, 1968," the following: "or whenever a State or political subdivision with respect to which the prohibitions set forth in section 4(a) based upon determinations made under the third sentence of section 4(b) are in effect shall enact or seek to administer any voting qualification or prerequisite to voting, or standard, practice, or procedure with respect to voting different from that in force or effect on November 1, 1972,".

42 USC 1973a, 1973d.

SEC. 205. Sections 3 and 6 of the Voting Rights Act of 1965 are each amended by striking out "fifteenth amendment" each time it appears and inserting in lieu thereof "fourteenth or fifteenth amendment".

42 USC 1973–1973d, 1973k.

SEC. 206. Sections 2, 3, the second paragraph of section 4(a), and sections 4(d), 5, 6, and 13 of the Voting Rights Act of 1965 are each amended by adding immediately after "on account of race or color" each time it appears the following: ", or in contravention of the guarantees set forth in section 4(f)(2)".

"Language minorities," "language minority group." 42 USC 1973*l*.

SEC. 207. Section 14(c) is amended by adding at the end the following new paragraph:

"(3) The term 'language minorities' or 'language minority group' means persons who are American Indian, Asian American, Alaskan Natives or of Spanish heritage.".

Severability. 42 USC 1973 note.

SEC. 208. If any amendments made by this Act or the application of any provision thereof to any person or circumstance is judicially determined to be invalid, the remainder of the Voting Rights Act of 1965, or the application of such provision to other persons or circumstances shall not be affected by such determination.

TITLE III

42 USC 1973aa–1.

SEC. 301. The Voting Rights Act of 1965 is amended by inserting the following new section immediately after section 202:

"BILINGUAL ELECTION REQUIREMENTS

42 USC 1973aa–1a.

"SEC. 203. (a) The Congress finds that, through the use of various practices and procedures, citizens of language minorities have been effectively excluded from participation in the electoral process. Among other factors, the denial of the right to vote of such minority group citizens is ordinarily directly related to the unequal educational

opportunities afforded them, resulting in high illiteracy and low voting participation. The Congress declares that, in order to enforce the guarantees of the fourteenth and fifteenth amendments to the United States Constitution, it is necessary to eliminate such discrimination by prohibiting these practices, and by prescribing other remedial devices. USC prec. title 1.

"(b) Prior to August 6, 1985, no State or political subdivision shall provide registration or voting notices, forms, instructions, assistance, or other materials or information relating to the electoral process, including ballots, only in the English language if the Director of the Census determines (i) that more than 5 percent of the citizens of voting age of such State or political subdivision are members of a single language minority and (ii) that the illiteracy rate of such persons as a group is higher than the national illiteracy rate: *Provided*, That the prohibitions of this subsection shall not apply in any political subdivision which has less than five percent voting age citizens of each language minority which comprises over five percent of the statewide population of voting age citizens. For purposes of this subsection, illiteracy means the failure to complete the fifth primary grade. The determinations of the Director of the Census under this subsection shall be effective upon publication in the Federal Register and shall not be subject to review in any court. "Illiteracy." Publication in Federal Register.

"(c) Whenever any State or political subdivision subject to the prohibition of subsection (b) of this section provides any registration or voting notices, forms, instructions, assistance, or other materials or information relating to the electoral process, including ballots, it shall provide them in the language of the applicable minority group as well as in the English language: *Provided*, That where the language of the applicable minority group is oral or unwritten or in the case of Alaskan natives, if the predominant language is historically unwritten, the State or political subdivision is only required to furnish oral instructions, assistance, or other information relating to registration and voting.

"(d) Any State or political subdivision subject to the prohibition of subsection (b) of this section, which seeks to provide English-only registration or voting materials or information, including ballots, may file an action against the United States in the United States District Court for a declaratory judgment permitting such provision. The court shall grant the requested relief if it determines that the illiteracy rate of the applicable language minority group within the State or political subdivision is equal to or less than the national illiteracy rate.

"(e) For purposes of this section, the term 'language minorities' or 'language minority group' means persons who are American Indian, Asian American, Alaskan Natives, or of Spanish heritage." "Language minorities," "language minority groups."

SEC. 302. Sections 203, 204, and 205 of the Voting Rights Act of 1965, are redesignated as 204, 205, and 206, respectively.

SEC. 303. Section 203 of the Voting Rights Act of 1965, as redesignated section 204 by section 302 of this Act, is amended by inserting immediately after "in violation of section 202," the following: "or 203,". 42 USC 1973aa-2, 1973aa-3, 1973aa-4.

SEC. 304. Section 204 of the Voting Rights Act of 1965, as redesignated section 205 by section 302 of this Act, is amended by striking out "or 202" and inserting in lieu thereof ", 202, or 203". 42 USC 1973aa-2. 42 USC 1973aa-3.

TITLE IV

42 USC 1973a.

SEC. 401. Section 3 of the Voting Rights Act of 1965 is amended by striking out "Attorney General" the first three times it appears and inserting in lieu thereof the following "Attorney General or an aggrieved person".

Attorney's fees.
42 USC 1973l.

SEC. 402. Section 14 of the Voting Rights Act of 1965 is amended by adding at the end thereof the following new subsection:

"(e) In any action or proceeding to enforce the voting guarantees of the fourteenth or fifteenth amendment, the court, in its discretion, may allow the prevailing party, other than the United States, a reasonable attorney's fee as part of the costs.".

Survey.
42 USC 1973aa.

SEC. 403. Title II of the Voting Rights Act of 1965 is amended by adding at the end thereof the following new section:

42 USC 1973aa-5.

"SEC. 207. (a) Congress hereby directs the Director of the Census forthwith to conduct a survey to compile registration and voting statistics: (i) in every State or political subdivision with respect to which

42 USC 1973b.

the prohibitions of section 4(a) of the Voting Rights Act of 1965 are in effect, for every statewide general election for Members of the United States House of Representatives after January 1, 1974; and (ii) in every State or political subdivision for any election designated by the United States Commission on Civil Rights. Such surveys shall only include a count of citizens of voting age, race or color, and national origin, and a determination of the extent to which such persons are registered to vote and have voted in the elections surveyed.

"(b) In any survey under subsection (a) of this section no person shall be compelled to disclose his race, color, national origin, political party affiliation, or how he voted (or the reasons therefor), nor shall any penalty be imposed for his failure or refusal to make such disclosures. Every person interrogated orally, by written survey or questionnaire, or by any other means with respect to such information shall be fully advised of his right to fail or refuse to furnish such information.

Report to Congress.

"(c) The Director of the Census shall, at the earliest practicable time, report to the Congress the results of every survey conducted pursuant to the provisions of subsection (a) of this section.

13 USC 9, 211.

"(d) The provisions of section 9 and chapter 7 of title 13 of the United States Code shall apply to any survey, collection, or compilation of registration and voting statistics carried out under subsection (a) of this section."

42 USC 1973i.

SEC. 404. Section 11(c) of the Voting Rights Act of 1965 is amended by inserting after "Columbia," the following words: "Guam, or the Virgin Islands,".

42 USC 1973c.

SEC. 405. Section 5 of the Voting Rights Act of 1965 is amended—

(1) by striking out "except that neither" and inserting in lieu thereof the following: "or upon good cause shown, to facilitate an expedited approval within sixty days after such submission, the Attorney General has affirmatively indicated that such objection will not be made. Neither an affirmative indication by the Attorney General that no objection will be made, nor";

(2) by placing after the words "failure to object" a comma; and

(3) by inserting immediately before the final sentence thereof the following: "In the event the Attorney General affirmatively indicates that no objection will be made within the sixty-day period following receipt of a submission, the Attorney General may reserve the right to reexamine the submission if additional information comes to his attention during the remainder of the sixty-day period which would otherwise require objection in accordance with this section.".

SEC. 406. Section 203 of the Voting Rights Act of 1965, as redesignated 204 by section 302 of this Act, is amended by striking out "section 2282 of title 28" and inserting "section 2284 of title 28" in lieu thereof. 42 USC 1973aa-2.

SEC. 407. Title III of the Voting Rights Act of 1965 is amended to read as follows:

"TITLE III—EIGHTEEN-YEAR-OLD VOTING AGE

"ENFORCEMENT OF TWENTY-SIXTH AMENDMENT

"SEC. 301. (a) (1) The Attorney General is directed to institute, in the name of the United States, such actions against States or political subdivisions, including actions for injunctive relief, as he may determine to be necessary to implement the twenty-sixth article of amendment to the Constitution of the United States. 42 USC 1973bb. USC prec. title 1.

"(2) The district courts of the United States shall have jurisdiction of proceedings instituted under this title, which shall be heard and determined by a court of three judges in accordance with section 2284 of title 28 of the United States Code, and any appeal shall lie to the Supreme Court. It shall be the duty of the judges designated to hear the case to assign the case for hearing and determination thereof, and to cause the case to be in every way expedited. Jurisdiction.

"(b) Whoever shall deny or attempt to deny any person of any right secured by the twenty-sixth article of amendment to the Constitution of the United States shall be fined not more than $5,000 or imprisoned not more than five years, or both. Penalty.

"DEFINITION

"SEC. 302. As used in this title, the term 'State' includes the District of Columbia.". 42 USC 1973bb-1.

SEC. 408. Section 10 of the Voting Rights Act of 1965 is amended— 42 USC 1973h.

(1) by striking out subsection (d);

(2) in subsection (b), by inserting "and section 2 of the twenty-fourth amendment" immediately after "fifteenth amendment"; and

(3) by striking out "and" the first time it appears in subsection (b), and inserting in lieu thereof a comma.

SEC. 409. Section 11 of the Voting Rights Act of 1965 is amended by adding at the end the following new subsection: Penalty. 42 USC 1973i.

"(e) (1) Whoever votes more than once in an election referred to in paragraph (2) shall be fined not more than $10,000 or imprisoned not more than five years, or both.

"(2) The prohibition of this subsection applies with respect to any general, special, or primary election held solely or in part for the purpose of selecting or electing any candidate for the office of President, Vice President, presidential elector, Member of the United States Senate, Member of the United States House of Representatives, Delegate from the District of Columbia, Guam, or the Virgin Islands, or Resident Commissioner of the Commonwealth of Puerto Rico.

"Votes more than once."

"(3) As used in this subsection, the term 'votes more than once' does not include the casting of an additional ballot if all prior ballots of that voter were invalidated, nor does it include the voting in two jurisdictions under section 202 of this Act, to the extent two ballots are not cast for an election to the same candidacy or office."

42 USC 1973aa-1.

42 USC 1973a.

SEC. 410. Section 3 of the Voting Rights Act of 1965 is amended by inserting immediately before "guarantees" each time it appears the following "voting".

Approved August 6, 1975.

LEGISLATIVE HISTORY:

HOUSE REPORT No. 94-196 (Comm. on the Judiciary).
SENATE REPORT No. 94-295 accompanying S. 1279 (Comm. on the Judiciary).
CONGRESSIONAL RECORD, Vol. 121 (1975):
June 2-4, considered and passed House.
July 21-24 considered and passed Senate, amended.
July 28, House agreed to Senate amendments.
WEEKLY COMPILATION OF PRESIDENTIAL DOCUMENTS, Vol. 11, No. 32:
Aug. 6, Presidential statement.

Public Law 94–74
94th Congress

An Act

To reserve a site for the use of the Smithsonian Institution.

Aug. 8, 1975
[H.R. 5327]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the portion of the Mall bounded by Third Street, Maryland Avenue, Fourth Street, and Jefferson Drive in the District of Columbia is reserved as a site for the future public uses of the Smithsonian Institution.

Smithsonian Institution.
Site reservation.

SEC. 2. The Smithsonian Institution may not make any use of the portion of the Mall described in the first section of this Act unless such use is first approved by the Congress.

Congressional approval.

Approved August 8, 1975.

LEGISLATIVE HISTORY:

HOUSE REPORT No. 94–257 (Comm. on House Administration).
SENATE REPORT No. 94–301 (Comm. on Rules and Administration).
CONGRESSIONAL RECORD, Vol. 121 (1975):
June 16, considered and passed House.
July 25, considered and passed Senate.

Public Law 94–75
94th Congress

An Act

Aug. 8, 1975
[H.R. 7728]

To suspend until the close of October 31, 1975, the duty on catalysts of platinum and carbon used in producing caprolactam.

Catalysts of platinum and carbon, duty suspension.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That subpart B of part 1 of the Appendix to the Tariff Schedules of the United States (19 U.S.C. 1202) is amended by inserting immediately after item 911.25 the following new item:

"	911.40	Catalysts of platinum and carbon (provided for in item 656.05, part 3G, schedule 6) when imported for use in producing caprolactam	Free	Free	On or before 10/31/75.	".

Effective date.
19 USC 1202 note.

SEC. 2. (a) The amendment made by the first section of this Act shall apply with respect to articles entered, or withdrawn from warehouse, for consumption on or after the date of the enactment of this Act.

19 USC 1202 note.

(b) Upon request therefor filed with the customs officer concerned on or before the one hundred and twentieth day after the date of the enactment of this Act, the entry or withdrawal of any article—

(1) which was made after October 1, 1973, and before the date of the enactment of this Act, and

(2) with respect to which there would have been no duty if the amendment made by the first section of this Act applied to such entry or withdrawal,

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 entry or withdrawal had been made on the date of the enactment of this Act.

19 USC 1514.

Approved August 8, 1975.

LEGISLATIVE HISTORY:

HOUSE REPORT No. 94–302 (Comm. on Ways and Means).
SENATE REPORT No. 94–274 (Comm. on Finance).
CONGRESSIONAL RECORD, Vol. 121 (1975):
June 24, considered and passed House.
July 16, considered and passed Senate, amended.
July 25, House concurred in Senate amendment.

Public Law 94–76
94th Congress

An Act

To suspend the duty on open-top hopper cars exported for repairs or alterations on or before June 30, 1975.

Aug. 8, 1975
[H.R. 7731]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That subpart B of part 1 of the Appendix to the Tariff Schedules of the United States (19 U.S.C. 1202) is amended by inserting immediately after item 912.05 the following new item:

Open-top hopper cars exported for repairs or alterations, duty suspension.

"	912.08	Open-top hopper cars exported for repairs or alterations (provided for in item 690.15, part 6A, schedule 6).....	Free	No change	On or before 6/30/75	".

SEC. 2. (a) The amendment made by the first section of this Act shall apply with respect to articles entered after September 1, 1974, and before July 1, 1975.

Effective date. 19 USC 1202 note.

(b) Upon request therefor filed with the customs officer concerned on or before the ninetieth day after the date of enactment of this Act, any entry to which the amendment made by the first section of this Act applies 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 entry had been made on June 30, 1975.

19 USC 1202 note.

19 USC 1514.

Approved August 8, 1975.

LEGISLATIVE HISTORY:

HOUSE REPORT No. 94–303 (Comm. on Ways and Means).
SENATE REPORT No. 94–280 (Comm. on Finance).
CONGRESSIONAL RECORD, Vol. 121 (1975):
June 24, considered and passed House.
July 17, considered and passed Senate, amended.
July 25, House concurred in Senate amendments.

Public Law 94-77
94th Congress

An Act

Aug. 9, 1975
[S. 1531]

To designate the Mountain Park Reservoir, Oklahoma, as the Tom Steed Reservoir.

Tom Steed Reservoir, Okla. Designation.
43 USC 616aaaa note.
43 USC 616aaaa.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Mountain Park Reservoir, Oklahoma, authorized to be constructed by the Act of September 21, 1968 (82 Stat. 853), shall be known and designated hereafter as the Tom Steed Reservoir. Any law, regulation, map, document, record, or other paper of the United States in which such reservoir is referred shall be held to refer to such reservoir as the Tom Steed Reservoir.

Approved August 9, 1975.

LEGISLATIVE HISTORY:

SENATE REPORT No. 94-351 (Comm. on Interior and Insular Affairs).
CONGRESSIONAL RECORD, Vol. 121 (1975):
Aug. 1, considered and passed Senate and House.

Public Law 94-78
94th Congress

An Act

To increase the authorization for the Council on Wage and Price Stability, and to extend the duration of such Council.

Aug. 9, 1975
[S. 409]

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

Council on Wage and Price Stability Act Amendments of 1975.

SECTION 1. This Act may be cited as the "Council on Wage and Price Stability Act Amendments of 1975".

12 USC 1904 note.

SEC. 2. (a) The first sentence of section 2(c) of the Council on Wage and Price Stability Act is amended by striking out the period and inserting in lieu thereof the following: "by and with the advice and consent of the Senate.".

12 USC 1904 note.

(b) The amendment made by subsection (a) shall take effect immediately after the individual holding the office of Director of the Council on Wage and Price Stability on the date of enactment of this Act ceases to hold that office.

(c) In appointments to the additional positions authorized by the amendment made by subsection (a), the Council shall give preference to economists and other persons with special ability and experience in one or more of the various sectors of the economy.

Additional authority.

SEC. 3. Section 2 of the Council on Wage and Price Stability Act is amended by adding at the end thereof the following:

12 USC 1904 note.

"(g) The Council shall have the authority, for any purpose related to this Act, to—

Periodic reports.

"(1) require periodic reports for the submission of information maintained in the ordinary course of business; and

Subpenas.

"(2) issue subpenas signed by the Chairman or the Director for the attendance and testimony of witnesses and the production of relevant books, papers, and other documents, only to entities whose annual gross revenues are in excess of $5,000,000;

relating to wages, costs, productivity, prices, sales, profits, imports, and exports by product line or by such other categories as the Council may prescribe. The Council shall have the authority to administer oaths to witnesses. Witnesses summoned under the provisions of this section shall be paid the same fees and mileage as are paid to witnesses in the courts of the United States. In case of refusal to obey a subpena served upon any person under the provisions of this section, the Council may request the Attorney General to seek the aid of the United States district court for any district in which such person is found, to compel that person, after notice, to appear and give testimony, or to appear and produce documents before the Council."

Witnesses.

12 USC 1904 note.

SEC. 4. Section 3(a) of the Council on Wage and Price Stability Act is amended by striking out "and" at the end of paragraph (6), by striking out the period at the end of paragraph (7), and inserting in lien thereof "; and", and by adding at the end thereof the following new subsection:

"(8) intervene and otherwise participate on its own behalf in rulemaking, ratemaking, licensing and other proceedings before any of the departments and agencies of the United States, in order to present its views as to the inflationary impact that might result from the possible outcomes of such proceedings.".

Confidential financial information disclosure, prohibition.
12 USC 1904 note.

SEC. 5. Section 4 of the Council on Wages and Price Stability Act is amended by adding at the end thereof the following new subsection:

"(f) (1) Product line or other category information relating to an individual firm or person and obtained under section 2(g) shall be considered as confidential financial information under section 552 (b) (4) of title 5 of the United States Code and shall not be disclosed by the Council.".

12 USC 1904 note.

"(2) Periodic reports obtained by the Council under section 2(g) and copies thereof which are retained by the reporting firm or person shall be immune from legal process.".

Appropriation authorization.
12 USC 1904 note.

SEC. 6. Section 6 of the Council on Wage and Price Stability Act is amended by striking out "$1,000,000 for the fiscal year ending June 30, 1975" and inserting in lieu thereof "$1,700,000 for each fiscal year ending prior to October 1, 1977".

Termination date, extension.
12 USC 1904 note.

SEC. 7. Section 7 of the Council on Wage and Price Stability Act is amended by striking out "August 15, 1975" and inserting in lieu thereof "September 30, 1977".

Approved August 9, 1975.

LEGISLATIVE HISTORY:

HOUSE REPORT No. 94-389 accompanying H.R. 8731 (Comm. on Banking, Currency, and Housing).

SENATE REPORT No. 94-84 (Comm. on Banking, Housing, and Urban Affairs).

CONGRESSIONAL RECORD, Vol. 121 (1975):

May 5, 6, considered and passed Senate.

July 31, considered and passed House, amended, in lieu of H.R. 8731.

Aug. 1, Senate Concurred in House amendment.

WEEKLY COMPILATION OF PRESIDENTIAL DOCUMENTS, Vol. 11, No. 33:

Aug. 11, Presidential statement.

Public Law 94-79
94th Congress

An Act

To authorize appropriations to the Nuclear Regulatory Commission in accordance with section 261 of the Atomic Energy Act of 1954, as amended, and section 305 of the Energy Reorganization Act of 1974, and for other purposes.

Aug. 9, 1975
[S. 1716]

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

Nuclear Regulatory Commission. Appropriation authorization.

TITLE I

SEC. 101. There is authorized to be appropriated to the Nuclear Regulatory Commission to carry out the provisions of section 261 of the Atomic Energy Act of 1954, as amended, and section 305 of the Energy Reorganization Act of 1974: $222,935,000 for fiscal year 1976 and $52,750,000 for the period from July 1, 1976 through September 30, 1976.

42 USC 2017.
42 USC 5875.

TITLE II

SEC. 201. Section 201(a) of the Energy Reorganization Act of 1974 is amended—

Chairman, functions.
42 USC 5841.

(1) by inserting "(1)" immediately after "SEC. 201. (a)"; and

(2) by adding at the end of such subsection the following:

"(2) The Chairman of the Commission shall be the principal executive officer of the Commission, and he shall exercise all of the executive and administrative functions of the Commission, including functions of the Commission with respect to (a) the appointment and supervision of personnel employed under the Commission (other than personnel employed regularly and full time in the immediate offices of commissioners other than the Chairman, and except as otherwise provided in the Energy Reorganization Act of 1974), (b) the distribution of business among such personnel and among administrative units of the Commission, and (c) the use and expenditure of funds.

42 USC 5801 note.

"(3) In carrying out any of his functions under the provisions of this section the Chairman shall be governed by general policies of the Commission and by such regulatory decisions, findings, and determinations as the Commission may by law be authorized to make.

"(4) The appointment by the Chairman of the heads of major administrative units under the Commission shall be subject to the approval of the Commission.

"(5) There are hereby reserved to the Commission its functions with respect to revising budget estimates and with respect to determining upon the distribution of appropriated funds according to major programs and purposes.".

Plutonium shipments, restrictions.
42 USC 5841 note.

The Nuclear Regulatory Commission shall not license any shipments by air transport of plutonium in any form, whether exports, imports or domestic shipments: *Provided, however,* That any plutonium in any form contained in a medical device designed for individual human application is not subject to this restriction. This restriction shall be in force until the Nuclear Regulatory Commission has certified to the Joint Committee on Atomic Energy of the Congress that a safe container has been developed and tested which will not

rupture under crash and blast-testing equivalent to the crash and explosion of a high-flying aircraft.

Term of office.
42 USC 5841.

SEC. 202. Subsection 201(c) of the Energy Reorganization Act of 1974 is amended by deleting the period at the end of the subsection and adding the following text: "; and except that any member appointed to fill a vacancy occurring prior to the expiration of the term for which his predecessor was appointed, shall be appointed for the remainder of such term.".

SEC. 203. Section 201(c) is amended to include the following: "For the purpose of determining the expiration date of the terms of office of the five members first appointed to the Nuclear Regulatory Commission, each such term shall be deemed to have begun July 1, 1975.".

Approved August 9, 1975.

LEGISLATIVE HISTORY:

HOUSE REPORT No. 94-260 accompanying H.R. 7001 (Joint Committee on Atomic Energy).
SENATE REPORT No. 94-174 (Joint Committee on Atomic Energy).
CONGRESSIONAL RECORD, Vol. 121 (1975):
June 17, considered and passed Senate.
June 20, considered and passed House, amended, in lieu of H.R. 7001.
July 31, Senate concurred in House amendment.

Public Law 94–80
94th Congress

An Act

To authorize the American Indian Policy Review Commission to accept voluntary contributions of services and for other purposes.

Aug. 9, 1975
[S. 2073]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 3 of the joint resolution entitled "Joint resolution to provide for the establishment of the American Indian Policy Review Commission", approved January 2, 1975, Public Law 93–580 (88 Stat. 1912), is amended by adding at the end thereof the following new subsections:

American Indian Policy Review Commission. Voluntary contributions of services. 25 USC 174 note.

"(e) The Commission is authorized to accept and use donations of money, property (whether real or personal), and uncompensated services from any person whether public or private for the purpose of carrying out the provisions of this resolution.

"(f) Matter mailed by the Commission may be mailed under the frank of any Member of Congress who is serving as the chairman of the Commission.".

SEC. 2. Section 4(c) of such resolution is amended to read as follows:

Compensation. 25 USC 174 note.

"(c) The Commission may fix the compensation of the members of such task forces at per annum gross rates or at a rate not to exceed the daily equivalent of the highest rate of annual compensation that may be paid to employees of the United States Senate generally.".

SEC. 3. Section 6(b) of such resolution (88 Stat. 1914) is amended to read as follows:

25 USC 174 note.

"(b)(1) In carrying out its functions under this resolution, the Commission is authorized to utilize the services, information, facilities, and personnel of the executive departments and agencies of the Government with or without reimbursement, and the head of any such department or agency is authorized to provide the Commission such services, facilities, information, and personnel to the Commission.

"(2) The Commission is authorized to procure the temporary or intermittent services of experts or consultants or organizations thereof by contract at rates of compensation not in excess of the daily equivalent of the highest per annum rate of compensation that may be paid to employees of the Senate generally.".

Experts and consultants.

25 USC 174 note.

SEC. 4. Section 6 of such resolution is further amended by adding at the end thereof the following new subsection:

"(c) A person who provides voluntary and uncompensated services to the Commission shall not by reason of such service be deemed to be an employee of the United States. Any such person may be reimbursed for travel, subsistence, and other necessary expenses incurred by them in the performance of their service to the Commission upon the approval of the chairman.".

Approved August 9, 1975.

LEGISLATIVE HISTORY:

HOUSE REPORT No. 94-426 (Comm. on Interior and Insular Affairs).
CONGRESSIONAL RECORD, Vol. 121 (1975):
July 9, considered and passed Senate.
July 31, considered and passed House, amended; Senate concurred in House amendment.

Public Law 94-81
94th Congress

An Act

To exclude from gross income gains from the condemnation of certain forest lands held in trust for the Klamath Indian Tribe.

Aug. 9, 1975
[H.R. 83]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, for purposes of the Internal Revenue Code of 1954, gain resulting from the condemnation, pursuant to Public Law 93-102, of the Klamath Indian forest lands held by the trustee for the Klamath Indian Tribe—

Indians.
Klamath Tribe, gains from condemnation of certain forest lands.
Tax exclusion.
25 USC 564j note.

(1) shall be excluded from the gross income of the trust, and

(2) on the distribution from the trust of the proceeds of such condemnation, shall be excluded from the gross income of each person receiving such distribution.

SEC. 2. TRANSFERS OF SECTION 1245 PROPERTY OR SECTION 1250 PROPERTY TO TAX-EXEMPT ORGANIZATION WHICH USES SUCH PROPERTY IN AN UNRELATED TRADE OR BUSINESS.

25 USC 564w-2.

(a) AMENDMENTS OF SECTION 1245.—

(1) The second sentence of section 1245(b)(3) (relating to gain from dispositions of certain depreciable property) is amended by striking out "This" and inserting in lieu thereof "Except as provided in paragraph (7), this".

26 USC 1245.

(2) Section 1245(b) is amended by adding at the end thereof the following new paragraph:

"(7) TRANSFERS TO TAX-EXEMPT ORGANIZATION WHERE PROPERTY WILL BE USED IN UNRELATED BUSINESS.—

"(A) IN GENERAL.—The second sentence of paragraph (3) shall not apply to a disposition of section 1245 property to an organization described in section 511(a)(2) or 511(b)(2) if, immediately after such disposition, such organization uses such property in an unrelated trade or business (as defined in section 513).

26 USC 511.
26 USC 513.

"(B) LATER CHANGE IN USE.—If any property with respect to the disposition of which gain is not recognized by reason of subparagraph (A) ceases to be used in an unrelated trade or business of the organization acquiring such property, such organization acquiring such property, such organization shall be treated for purposes of this section as having disposed of such property on the date of such cessation.".

(b) AMENDMENTS TO SECTION 1250.—

(1) The second sentence of section 1250(d)(3) (relating to gain from dispositions of certain depreciable realty) is amended by striking out "This" and inserting in lieu thereof "Except as provided in paragraph (9), this".

26 USC 1250.

(2) Section 1250(d) is amended by adding at the end thereof the following new paragraph:

"(9) TRANSFERS TO TAX-EXEMPT ORGANIZATION WHERE PROPERTY WILL BE USED IN UNRELATED BUSINESS.—

"(A) IN GENERAL.—The second sentence of paragraph (3) shall not apply to a disposition of section 1250 property to an organization described in section 511(a)(2) or 511(b)(2) if, immediately after such disposition, such organization uses

such property in an unrelated trade or business (as defined in section 513).

"(B) LATER CHANGE IN USE.—If any property with respect to the disposition of which gain is not recognized by reason of subparagraph (A) ceases to be used in an unrelated trade or business of the organization acquiring such property, such organization shall be treated for purposes of this section as having disposed of such property on the date of such cessation.".

26 USC 1250 note.

(c) EFFECTIVE DATE.—

(1) IN GENERAL.—Except as provided in paragraph (2) the amendments made by this section shall apply to dispositions after December 31, 1969, in taxable years ending after such date.

(2) ELECTION FOR PAST TRANSACTIONS.—In the case of any disposition occurring before the date of the enactment of this Act, the amendments made by this section shall apply only if the organization acquiring the property elects (in the manner provided by regulations prescribed by the Secretary of the Treasury or his delegate) within 1 year after the date of the enactment of this Act to have such amendments apply with respect to such property.

SEC. 3. DEFINITION OF PRIVATE FOUNDATION.

26 USC 509.

(a) Subparagraph (B) of section 509(a)(2) of the Internal Revenue Code of 1954 (relating to permitted extent of private support) is amended to read as follows:

"(B) normally receives not more than one-third of its support in each taxable year from the sum of—

"(i) gross investment income (as defined in subsection (e)) and

"(ii) the excess (if any) of the amount of the unrelated business taxable income (as defined in section 512) over the amount of the tax imposed by section 511;".

26 USC 512.
26 USC 511.

Effective date.
26 USC 509 note.

(b) The amendment made by this section shall apply to unrelated business taxable income derived from trades and businesses which are acquired by the organization after June 30, 1975.

Approved August 9, 1975.

LEGISLATIVE HISTORY:

HOUSE REPORT No. 94-250 (Comm. on Ways and Means).
SENATE REPORT No. 94-272 (Comm. on Finance).
CONGRESSIONAL RECORD, Vol. 121 (1975):
June 26, considered and passed House.
July 11, considered and passed Senate, amended.
July 25, House concurred in Senate amendment with an amendment.
Aug. 1, Senate concurred in House amendment to Senate amendment.

Public Law 94-82
94th Congress

An Act

To amend title 39, United States Code, to apply to the United States Postal Service certain provisions of law providing for Federal agency safety programs and responsibilities, to provide for cost-of-living adjustments of Federal executive salaries, and for other purposes.

Aug. 9, 1975
[H.R. 2559]

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

Postal Service, safety programs; Federal executive salary adjustments.

TITLE I—POSTAL SERVICE

SEC. 101. Section 410(b) of title 39, United States Code, is amended—

(1) by striking out the word "and" at the end of paragraph (5);

(2) by striking out the period at the end of paragraph (6) and inserting in lieu of the period a semicolon and the word "and"; and

(3) by adding immediately below paragraph (6) the following paragraph:

"(7) section 19 of the Occupational Safety and Health Act of 1970 (29 U.S.C. 668).".

TITLE II—EXECUTIVE SALARIES

Executive Salary Cost-of-Living Adjustment Act.

SEC. 201. This title may be cited as the "Executive Salary Cost-of-Living Adjustment Act".

5 USC 5312 note.

SEC. 202. (a) Subchapter II of chapter 53 of title 5, United States Code, relating to Executive Schedule pay rates, is amended by adding at the end thereof the following new section:

"§ 5318. Adjustments in rates of pay

5 USC 5318.

"Effective at the beginning of the first applicable pay period commencing on or after the first day of the month in which an adjustment takes effect under section 5305 of this title in the rates of pay under the General Schedule, the annual rate of pay for positions at each level of the Executive Schedule shall be adjusted by an amount, rounded to the nearest multiple of $100 (or if midway between multiples of $100, to the next higher multiple of $100), equal to the percentage of such annual rate of pay which corresponds to the overall average percentage (as set forth in the report transmitted to the Congress under such section 5305) of the adjustment in the rates of pay under the General Schedule.".

5 USC 5305.
5 USC 5332 note.

(b)(1) That part of section 5312 (relating to level I of the Executive Schedule) of title 5, United States Code, immediately below the section heading and immediately above clause (1) is amended to read as follows:

"Level I of the Executive Schedule applies to the following positions for which the annual rate of basic pay shall be the rate determined with respect to such level under chapter 11 of title 2, as adjusted by section 5318 of this title:".

2 USC 351 *et seq.*

(2) That part of section 5313 (relating to level II of the Executive Schedule) of title 5, United States Code, immediately below the section heading and immediately above clause (1) is amended to read as follows:

5 USC 5313.

"Level II of the Executive Schedule applies to the following positions, for which the annual rate of basic pay shall be the rate determined with respect to such level under chapter 11 of title 2, as adjusted by section 5318 of this title:".

2 USC 351 *et seq.*

(3) That part of section 5314 (relating to level III of the Executive Schedule) of title 5, United States Code, immediately below the section heading and immediately above clause (1) is amended to read as follows:

"Level III of the Executive Schedule applies to the following positions, for which the annual rate of basic pay shall be the rate determined with respect to such level under chapter 11 of title 2, as adjusted by section 5318 of this title:".

(4) That part of section 5315 (relating to level IV of the Executive Schedule) of title 5, United States Code, immediately below the section heading and immediately above clause (1) is amended to read as follows:

"Level IV of the Executive Schedule applies to the following positions, for which the annual rate of basic pay shall be the rate determined with respect to such level under chapter 11 of title 2, as adjusted by section 5318 of this title:".

(5) That part of section 5316 (relating to level V of the Executive Schedule) of title 5, United States Code, immediately below the section heading and immediately above clause (1) is amended to read as follows:

"Level V of the Executive Schedule applies to the following positions, for which the annual rate of basic pay shall be the rate determined with respect to such level under chapter 11 of title 2, as adjusted by section 5318 of this title:".

(6) The analysis of subchapter II of chapter 53 of title 5, United States Code, is amended by adding the following new item at the end thereof:

"5318. Adjustments in rates of pay.".

(c) (1) Subsection (a) of section 5305 of title 5, United States Code, relating to annual pay reports, is amended by adding at the end thereof the following new sentence:

"The report transmitted to the Congress under this subsection shall specify the overall percentage of the adjustment in the rates of pay under the General Schedule and of the adjustment in the rates of pay under the other statutory pay systems.".

5 USC 5332 note.

(2) Subsection (c) (1) of section 5305 of title 5, United States Code, relating to annual pay reports, is amended by adding at the end thereof the following new sentence: "The report transmitted to the Congress under this subsection shall specify the overall percentage of the adjustment in the rates of pay under the General Schedule and of the adjustment in the rates of pay under the other statutory pay systems.".

Vice President.

SEC. 203. Section 104 of title 3, United States Code, relating to the rate of salary of the Vice President, is amended by striking out "$62,500, to be paid monthly." and inserting in lieu thereof "the rate determined for such position under chapter 11 of title 2, as adjusted under this section. Effective at the beginning of the first month in which an adjustment takes effect under section 5305 of title 5 in the rates of pay under the General Schedule, the salary of the Vice President shall be adjusted by an amount, rounded to the nearest multiple of $100 (or if midway between multiples of $100, to the nearest higher multiple of $100), equal to the percentage of such per annum rate which corresponds to the overall average percentage (as set forth in the report transmitted to the Congress under section 5305 of title 5)

of the adjustment in such rates of pay. Such salary shall be paid on a monthly basis.".

Members of Congress.

SEC. 204 (a) Section 601(a) of the Legislative Reorganization Act of 1946 (2 U.S.C. 31) is amended to read as follows:

"SEC. 601. (a)(1) The annual rate of pay for—

"(A) each Senator, Member of the House of Representatives, and Delegate to the House of Representatives, and the Resident Commissioner from Puerto Rico,

"(B) the President pro tempore of the Senate, the majority leader and the minority leader of the Senate, and the majority leader and the minority leader of the House of Representatives, and

"(C) the Speaker of the House of Representatives,

shall be the rate determined for such positions under section 225 of the Federal Salary Act of 1967 (2 U.S.C. 351–361), as adjusted by paragraph (2) of this subsection.

"(2) Effective at the beginning of the first applicable pay period commencing on or after the first day of the month in which an adjustment takes effect under section 5305 of title 5, United States Code, in the rates of pay under the General Schedule, each annual rate referred to in paragraph (1) shall be adjusted by an amount, rounded to the nearest multiple of $100 (or if midway between multiples of $100, to the next higher multiple of $100), equal to the percentage of such annual rate which corresponds to the overall average percentage (as set forth in the report transmitted to the Congress under such section 5305) of the adjustment in the rates of pay under the General Schedule.". 5 USC 5332 note.

Legislative officials.

(b) Subsections (a) through (d) of section 203 of the Federal Legislative Salary Act of 1964 (78 Stat. 415), relating to the annual rate of pay of certain legislative officials, are amended to read as follows:

"SEC. 203 (a) The compensation of the Comptroller General of the United States shall be at an annual rate which is equal to the rate for positions at level II of the Executive Schedule of subchapter II of chapter 53 of title 5, United States Code. 31 USC 42a. 5 USC 5313.

"(b) The compensation of the Deputy Comptroller General of the United States shall be at an annual rate which is equal to the rate for positions at level III of such Executive Schedule. 31 USC 42a. 5 USC 5314.

"(c) The compensation of the General Counsel of the United States General Accounting Office, the Librarian of Congress, and the Architect of the Capitol shall be at an annual rate which is equal to the rate for positions at level IV of such Executive Schedule. 2 USC 136a; 31 USC 51a; 40 USC 162a. 5 USC 5315.

"(d) The compensation of the Deputy Librarian of Congress and the Assistant Architect of the Capitol shall be at an annual rate which is equal to the rate for positions at level V of such Executive Schedule.". 2 USC 136a-1; 40 USC 166b. 5 USC 5316.

(c)(1) Section 303 of title 44, United States Code, relating to the compensation of the Public Printer and Deputy Public Printer, is amended to read as follows:

"§ 303. Public Printer and Deputy Public Printer: pay

"The annual rate of pay for the Public Printer shall be a rate which is equal to the rate for level IV of the Executive Schedule of subchapter II of chapter 53 of title 5. The annual rate of pay for the Deputy Public Printer shall be a rate which is equal to the rate for level V of such Executive Schedule.".

(2) The item relating to section 303 in the chapter analysis for chapter 3 of title 44, United States Code, is amended to read as follows:

"303. Public Printer and Deputy Public Printer: pay.".

2 USC 60a note.

(d) Section 4(d) of the Federal Pay Comparability Act of 1970 (84 Stat. 1952) is amended by striking out "level V" and "section 5316" and inserting in lieu thereof "level III" and "section 5314", respectively.

SEC. 205. (a) (1) Chapter 21 of title 28, United States Code, relating to general provisions applicable to courts and judges, is amended by adding at the end thereof the following new section:

28 USC 461.

"§ 461. Adjustments in certain salaries

"(a) Effective at the beginning of the first applicable pay period commencing on or after the first day of the month in which an adjustment takes effect under section 5305 of title 5 in the rates of pay under the General Schedule (except as provided in subsection (b)), each salary rate which is subject to adjustment under this section shall be adjusted by an amount, rounded to the nearest multiple of $100 (or if midway between multiples of $100, to the next higher multiple of $100) equal to the percentage of such salary rate which corresponds to the overall average percentage (as set forth in the report transmitted to the Congress under such section 5305) of the adjustments in the rates of pay under such Schedule.

5 USC 5332 note.

"(b) Subsection (a) shall not apply to the extent it would reduce the salary of any individual whose compensation may not, under section 1 of article III of the Constitution of the United States, be diminished during such individual's continuance in office.".

USC prec. title 1.

(2) The analysis of chapter 21 of such title is amended by adding at the end thereof the following new item:

"461. Adjustments in certain salaries.".

(b) (1) Section 5 of title 28, United States Code, relating to salaries of justices of the Supreme Court, is amended to read as follows:

"§ 5. Salaries of justices

"The Chief Justice and each associate justice shall each receive a salary at annual rates determined under section 225 of the Federal Salary Act of 1967 (2 U.S.C. 351–361), as adjusted by section 461 of this title.".

Supra.

(2) Section 44(d) of title 28, United States Code, relating to salaries of circuit judges, is amended to read as follows:

"(d) Each circuit judge shall receive a salary at an annual rate determined under section 225 of the Federal Salary Act of 1967 (2 U.S.C. 351–361), as adjusted by section 461 of this title.".

(3) Section 135 of title 28, United States Code, relating to salaries of district judges, is amended to read as follows:

"§ 135. Salaries of district judges

"Each judge of a district court of the United States shall receive a salary at an annual rate determined under section 225 of the Federal Salary Act of 1967 (2 U.S.C. 351–361), as adjusted by section 461 of this title.".

Court of Claims judges.

(4) The second sentence of section 173 of title 28, United States Code, relating to salaries of judges of the Court of Claims, is amended to read as follows: "Each shall receive a salary at an annual rate determined under section 225 of the Federal Salary Act of 1967 (2 U.S.C. 351–361), as adjusted by section 461 of this title.".

Court of Customs and Patent Appeals judges.

(5) The second sentence of section 213 of title 28, United States Code, relating to salaries of judges of the Court of Customs and Patent Appeals, is amended to read as follows: "Each shall receive a salary at an annual rate determined under section 225 of the Federal

Salary Act of 1967 (2 U.S.C. 351–361), as adjusted by section 461 of this title.".

(6) The second sentence of section 252 of title 28, United States Code, relating to judges of the Customs Court, is amended to read as follows: "Each shall receive a salary at an annual rate determined under section 225 of the Federal Salary Act of 1967 (2 U.S.C. 351–361), as adjusted by section 461 of this title.". Customs Court judges.

(7) So much of the first sentence of section 792(b) (relating to salaries of Court of Claims commissioners) of title 28, United States Code, as precedes ", and also all necessary traveling expenses" is amended to read as follows: "Each commissioner shall receive pay at an annual rate determined under section 225 of the Federal Salary Act of 1967 (2 U.S.C. 351–361), as adjusted by section 461 of this title". Court of Claims commissioners.

(8) The first sentence of section 40a of the Bankruptcy Act (11 U.S.C. 68(a)), relating to compensation of referees in bankruptcy, is amended to read as follows: "Referees shall receive as full compensation for their services salaries to be fixed by the conference, in the light of the recommendations of the councils, made after advising with the district judges of their respective circuits, and of the Director, at rates, in the case of full-time referees, not more than the rate determined for such referees under section 225 of the Federal Salary Act of 1967 (2 U.S.C. 351–361), as adjusted under section 461 of title 28, United States Code, and in the case of part-time referees, not more than one-half of such rate, as so adjusted.". Referees in bankruptcy.

SEC. 206. (a) Section 225(f)(A) of the Federal Salary Act of 1967 (2 U.S.C. 356(A)), is amended—

(1) by inserting "the Vice President of the United States," immediately before "Senators";

(2) by striking out "and" immediately after "Representatives,"; and

(3) by inserting immediately before the semicolon a comma and the following: "the Speaker of the House of Representatives, the President pro tempore of the Senate, and the majority and minority leaders of the Senate and the House of Representatives".

(b) Until such time as a change in the rate of pay of the offices referred to in the amendment made by subsection (a) of this section occurs under the provisions of the Federal Salary Act of 1967 (2 U.S.C. 351–361), as amended by subsection (a) of this section, such rates of pay shall be the rates of pay in effect immediately prior to the date of enactment of this Act, as adjusted under sections 203 and 204 of this title. 2 USC 356 note.

Approved August 9, 1975.

LEGISLATIVE HISTORY:

HOUSE REPORT No. 94–271 (Comm. on Post Office and Civil Service).
SENATE REPORT No. 94–333 (Comm. on Post Office and Civil Service).
CONGRESSIONAL RECORD, Vol. 121 (1975):
June 16, considered and passed House.
July 28, 29, considered and passed Senate, amended.
July 30, House concurred in Senate amendments.

Public Law 94–83
94th Congress

An Act

Aug. 9, 1975
[H.R. 3130]

To amend the National Environmental Policy Act of 1969 in order to clarify the procedures therein with respect to the preparation of environmental impact statements.

Environmental impact statements, preparation.
42 USC 4332.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 102(2) of the National Environmental Policy Act of 1969 (83 Stat. 852) is amended by redesignating subparagraphs (D), (E), (F), (G), and (H) as subparagraphs (E), (F), (G), (H), and (I), respectively; and by adding immediately after subparagraph (C) the following new subparagraph:

"(D) Any detailed statement required under subparagraph (C) after January 1, 1970, for any major Federal action funded under a program of grants to States shall not be deemed to be legally insufficient solely by reason of having been prepared by a State agency or official, if:

"(i) the State agency or official has statewide jurisdiction and has the responsibility for such action,

"(ii) the responsible Federal official furnishes guidance and participates in such preparation,

"(iii) the responsible Federal official independently evaluates such statement prior to its approval and adoption, and

"(iv) after January 1, 1976, the responsible Federal official provides early notification to, and solicits the views of, any other State or any Federal land management entity of any action or any alternative thereto which may have significant impacts upon such State or affected Federal land management entity and, if there is any disagreement on such impacts, prepares a written assessment of such impacts and views for incorporation into such detailed statement.

The procedures in this subparagraph shall not relieve the Federal official of his responsibilities for the scope, objectivity, and content of the entire statement or of any other responsibility under this Act; and further, this subparagraph does not affect the legal sufficiency of statements prepared by State agencies with less than statewide jurisdiction.".

Approved August 9, 1975.

LEGISLATIVE HISTORY:

HOUSE REPORTS: No. 94–144 (Comm. on Merchant Marine and Fisheries) and No. 94–388 (Comm. of Conference).

SENATE REPORTS: No. 94–152 (Comm. on Interior and Insular Affairs) and No. 94–331 (Comm. of Conference).

CONGRESSIONAL RECORD, Vol. 121 (1975):

April 21, considered and passed House.

May 22, considered and passed Senate, amended.

July 25, Senate agreed to conference report.

July 29, House agreed to conference report.

Public Law 94–84
94th Congress

An Act

To designate the John C. Kluczynski Federal Building.

Aug. 9, 1975
[H.R. 4241]

John C. Kluczynski Federal Building, Ill. Designation.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Federal office building at 230 South Dearborn Street, Chicago, Illinois, shall hereafter be known and designated as the "John C. Kluczynski Federal Building". Any reference in a law, map, regulation, document, record, or other paper of the United States to such building shall be held to be a reference to the John C. Kluczynski Federal Building.

Approved August 9, 1975.

LEGISLATIVE HISTORY:

HOUSE REPORT No. 94–186 (Comm. on Public Works and Transportation).
SENATE REPORT No. 94–348 (Comm. on Public Works).
CONGRESSIONAL RECORD, Vol. 121 (1975):
May 19, considered and passed House.
Aug. 1, considered and passed Senate.

Public Law 94–85
94th Congress

An Act

Aug. 9, 1975
[H.R. 5405]

To amend the Merchant Marine Act, 1920, in order to permit cargo vessels to carry more than sixteen passengers when emergency situations arise.

Cargo vessels.
Excess passengers.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the first paragraph of section 26 of the Merchant Marine Act, 1920 (46 U.S.C. 882), is amended by striking out the period at the end of the last proviso thereto and inserting in lieu thereof the following: ": *And provided further*, That in any case in which the Secretary of the Department in which the Coast Guard is operating, finds that an emergency situation so requires, and subject to such regulations as he may prescribe, any vessel documented under the laws of the United States and not engaged in an international voyage may carry in excess of sixteen persons in addition to the crew.".

Approved August 9, 1975.

LEGISLATIVE HISTORY:

HOUSE REPORT No. 94–182 (Comm. on Merchant Marine and Fisheries).
SENATE REPORT No. 94–344 (Comm. on Commerce).
CONGRESSIONAL RECORD, Vol. 121 (1975):
May 5, considered and passed House.
Aug. 1, considered and passed Senate.

Public Law 94-86
94th Congress

An Act

Authorizing appropriations to the National Science Foundation for fiscal year 1976.

Aug. 9, 1975
[H.R. 4723]

National Science Foundation Authorization Act, 1976.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That there is hereby authorized to be appropriated to the National Science Foundation for the fiscal year ending June 30, 1976, for the following categories:

(1) Scientific Research Project Support, $377,600,000.
(2) National and Special Research Programs, $109,800,000.
(3) National Research Centers, $60,200,000.
(4) Research Applied to National Needs, $70,500,000.
(5) Science Education Innovation, $39,800,000.
(6) Science Education Support, $35,300,000.
(7) Graduate Student Support, $16,400,000.
(8) Science Information Activities, $6,600,000.
(9) International Cooperative Scientific Activities, $8,000,000.
(10) Intergovernmental Science and R. & D. Incentives Program, $10,000,000.
(11) Science Assessment, Policy, and Advisory Activities, $11,100,000.
(12) Program Development and Management, $41,700,000.

SEC. 2. (a) Notwithstanding any other provision of this or any other Act—

(1) of the total amount authorized under section 1, not less than $39,800,000 shall be available for the purpose of "Science Education Innovation";

(2) of the total amount authorized under section 1, not less than $35,300,000 shall be available for the purpose of "Science Education Support";

(3) of the total amount authorized under section 1, not less than $16,400,000 shall be available for the purpose of "Graduate Student Support";

(4) of the total amount authorized under section 1, category (6), not less than $3,000,000 shall be available for "Undergraduate Research Participation";

(5) of the total amount authorized under section 1, category (6), not less than $2,500,000 shall be available for "Secondary School Student Science Projects";

(6) of the total amount authorized under section 1, category (6), not less than $2,000,000 shall be available for "Science Faculty Fellowships";

(7) of the total amount authorized under section 1, not less than $6,600,000 shall be available for "Science Information Activities";

(8) of the total amount authorized under section 1, category (4), not less than $25,000,000 shall be available for environmental research, including $5,500,000 for earthquake engineering;

(9) of the total amount authorized under section 1, category (4), not less than $23,000,000 shall be available for "Applied Social Research" and for "Policy-Sciences Research" directed toward increasing the cost-effectiveness of policies and programs dealing with urban and human service problems at the Federal,

State, and local government levels. Such funds shall not be available for use with respect to any program or activity if such use would result in a substantial duplication of any program or activity which is receiving other Federal financial assistance. Such funds may be used to identify, analyze, and contribute knowledge to improve productivity in the public sector; identify, analyze, and evaluate more effective, efficient, and equitable ways to deliver human services; and develop the data base and analytical techniques required for improving applied research on municipal systems and human service delivery;

(10) of the total amount authorized under section 1, category (4), not less than $1,000,000 shall be available for the purpose of "Fire Research." The transfer of this program to the Fire Research Center of the National Bureau of Standards (15 U.S.C. 278 f.) during the fiscal year ending June 30, 1976, is authorized;

(11) of the total amount authorized under section 1, category (4), not less than 7.5 per centum of such amount shall be expended to small business concerns;

(12) of the total amount authorized under section 1, category (6), not less than $7,000,000 shall be available for "Ethnic Minorities and Women in Science Program"; and not less than $1,500,000 thereof shall be available to develop and test methods of increasing the flow of women into careers in science;

(13) of the total amount authorized under section 1, category (10), not less than $8,000,000 shall be available for the "Intergovernmental Science Program";

(14) of the total amount authorized under section 1, category (11), not less than $1,500,000 shall be available for programs related to the ethical and human value implications of science and technology; and

(15) the amount of $5,500,000 for "Institutional Improvement for Science" which was authorized and appropriated to the National Science Foundation for the fiscal year ending June 30, 1975, and which remains unobligated as of the close of the fiscal year ending June 30, 1975, shall be merged with and added to the amount authorized under section 1, category (6) ("Science Education Support"), of this Act.

42 USC 1869a.

(b) After the date of enactment of this Act the Director of the National Science Foundation, shall require, as a condition of any award made by the National Science Foundation for the purpose of precollege science curriculum development activities, that the awardee, and any subcontractors involved in the distribution, marketing, or selling of such science curricula, shall include in any testing agreement, sales contract, or other comparable legal instrument a provision requiring that all instructional materials, including teacher's manuals, films, tapes, or other supplementary instructional materials developed or provided under such award, subcontract, or other legal instrument, will be made available within the school district using such materials for inspection by parents or guardians of children engaged in educational programs or projects of that school district. In addition, the Director of the National Science Foundation shall take such action as may be necessary and feasible to modify awards made for the purpose of precollege science curriculum development and implementation activities on or before the date of enactment of this Act to include such a provision in all possible cases.

Research Initiation and Support program.

(c) The National Science Foundation is authorized and directed to conduct a Research Initiation and Support program, referred to hereinafter as RIAS. RIAS shall have the purpose of strengthening programs of training and research for young scientists at the graduate and postgraduate levels at educational institutions. Awards under this program may include support for exploratory research by such young scientists, the acquisition of instruments, equipment, and facilities for research and training, and other programs and activities aimed at meeting departmental, interdepartmental, or institutionwide training and research needs, or a combination thereof. Awards under RIAS shall be made on a competitive basis and may cover periods not to exceed four years. Notwithstanding any provisions of this or any other Act, of the total amount authorized under section 1, category (6), not less than $5,000,000 shall be available for RIAS.

Comprehensive Assistance to Undergraduate Science Education program.

(d) The National Science Foundation is authorized and directed to conduct a Comprehensive Assistance to Undergraduate Science Education program, referred to hereinafter as CAUSE. CAUSE shall have the purpose of strengthening the science education capabilities of predominantly undergraduate educational institutions and departments or groups of departments thereof through awards to four-year colleges, to two-year colleges, to the undergraduate component of advanced degree institutions, and to groups of such institutions. Notwithstanding any provisions of this or any other Act, of the total amount authorized under section 1, category (6), not less than $15,000,000 shall be available for CAUSE and not less than $3,500,000 thereof shall be awarded to two-year institutions. Awards within each category of CAUSE shall be made on a competitive basis.

"Science Education Innovation."

(e) As used in this Act, "Science Education Innovation" means projects aimed at the development of new approaches to the teaching of science to students, teachers, and professionals, including but not limited to new curricula, new technologies, new methods, and retraining or other efforts to make the existing scientific manpower pool better able to fulfill the Nation's manpower needs. As used in this Act, "Science Education Support" means projects aimed at building a capability to teach science, including but not limited to awards for equipment, conferences, and institutional development.

Science for Citizens Program. Comprehensive plan. 42 USC 1864 note.

SEC. 3. The Director of the National Science Foundation is authorized and directed to prepare a comprehensive plan for the establishment and conduct of a "Science for Citizens Program". Such program shall be designed—

(1) to improve public understanding of public policy issues involving science and technology;

(2) to facilitate the participation of experienced scientists and engineers as well as graduate and undergraduate students in public activities, including community and citizen group activities, aimed at the resolution of public policy issues having significant scientific and technical aspects;

(3) to enable nonprofit citizens public interest groups to acquire necessary technical expertise to assist them in dealing with the scientific and technical aspects of public policy issues; and

(4) to provide grants and contracts to academic and other nonprofit organizations for the conduct of applied research designed to improve the effectiveness of the programs conducted under paragraphs (1), (2), and (3) of this section.

Submittal to congressional committees.

The comprehensive plan provided for in this section shall be submitted to the Committee on Science and Technology of the House of Representatives and the Committee on Labor and Public Welfare of the Senate within six months from the date of enactment of this Act.

Comprehensive plan, submittal to congressional committees. 42 USC 1864 note.

SEC. 4. The Director of the National Science Foundation is authorized and directed to prepare a comprehensive plan to facilitate the participation of members of the public in the formulation, development, and conduct of the National Science Foundation's programs, policies, and priorities and to submit the resulting recommendations, plans, and other findings to the Committee on Science and Technology of the House of Representatives and the Committee on Labor and Public Welfare of the Senate within one hundred and twenty days from the date of enactment of this Act.

42 USC 5820 note.

SEC. 5. In the conduct of the energy research and development activities under the "Research Applied to National Needs" category, the National Science Foundation shall coordinate all new project awards with the Administrator of the Energy Research and Development Administration or his designee.

Alan T. Waterman Award. Establishment. 42 USC 1881a.

SEC. 6. (a) The National Science Foundation is authorized to establish the Alan T. Waterman Award for research or advanced study in the mathematical, physical, medical, biological, engineering, social, or other sciences. The award authorized by this section shall consist of a suitable medal and a grant not to exceed $50,000 per year for a period not to exceed three years to support further research or study by the recipient.

(b) Awards under this section shall be made to recognize and encourage the work of younger scientists whose capabilities and accomplishments show exceptional promise of significant future achievement.

(c) No more than one award shall be made under this section in any one fiscal year.

SEC. 7. Appropriations made pursuant to this Act may be used, but not to exceed $5,000, for official consultation, representation, or other extraordinary expenses upon the approval or authority of the Director of the National Science Foundation, and his determination shall be final and conclusive upon the accounting officers of the Government.

Appropriation authorization.

SEC. 8. In addition to such sums as are authorized by section 1, not to exceed $4,000,000 is authorized to be appropriated for the fiscal year ending June 30, 1976, for expenses of the National Science Foundation incurred outside the United States to be paid for in foreign currencies which the Treasury Department determines to be excess to the normal requirements of the United States.

SEC. 9. Appropriations made pursuant to authority provided in sections 1 and 8 shall remain available for obligation, for expenditure, or for obligation and expenditure, for such period or periods as may be specified in the Acts making such appropriations.

Funds transfer, limitation.

SEC. 10. No funds may be transferred from any particular category listed in section 1 to any other category or categories listed in such section if the total of the funds so transferred from that particular category would exceed 10 per centum thereof, and no funds may be transferred to any particular category listed in section 1 from any other category or categories listed in such section if the total of the funds so transferred to that particular category would exceed 10 per centum thereof, unless—

Report to Speaker of the House, President of the Senate and congressional committees.

(A) a period of thirty legislative days has passed after the Director of the National Science Foundation or his designee has

transmitted to the Speaker of the House of Representatives and to the President of the Senate and to the Committee on Science and Technology of the House of Representatives and to the Committee on Labor and Public Welfare of the Senate a written report containing a full and complete statement concerning the nature of the transfer and the reason therefor, or

(B) each such committee before the expiration of such period has transmitted to the Director written notice to the effect that such committee has no objection to the proposed action.

SEC. 11. Notwithstanding any other provision of this or any other Act, the Director of the National Science Foundation shall keep the Committee on Science and Technology of the House of Representatives and the Committee on Labor and Public Welfare of the Senate fully and currently informed with respect to all of the activities of the National Science Foundation. 42 USC 1882.

SEC. 12. This Act may be cited as the "National Science Foundation Authorization Act, 1976". Short title.

Approved August 9, 1975.

LEGISLATIVE HISTORY:

HOUSE REPORTS: Nos. 94-66 and 94-99 (Comm. on Science and Technology) and No. 94-422 (Comm. of Conference).

SENATE REPORTS: No. 94-112 accompanying S. 1539 (Comm. on Labor and Public Welfare) and No. 94-339 (Comm. of Conference).

CONGRESSIONAL RECORD, Vol. 121 (1975):

Apr. 9, considered and passed House.

May 13, considered and passed Senate, amended, in lieu of S. 1539.

June 17, considered in House.

July 30, Senate agreed to conference report.

Aug. 1, House agreed to conference report.

Public Law 94–87
94th Congress

An Act

Aug. 9, 1975
[H.R. 5884]

To authorize appropriations for carrying out the provisions of the International Economic Policy Act of 1972, as amended, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 208 of the International Economic Policy Act of 1972 is amended by striking out the second sentence of paragraph (b)(1) and inserting in lieu thereof the following: "The staff of the Council shall be appointed and compensated without regard to the provisions of law regulating the employment and compensation of persons in the Government service: *Provided*, That, except for the officers provided for in paragraph (2) and for not to exceed eight persons who may receive compensation not in excess of the rate now or hereafter provided for GS–18, no staff personnel shall receive compensation in excess of the rate now or hereafter provided for GS–15."

Council on International Economic Policy. Appointment and compensation. 22 USC 2847.

5 USC 5332 note.

SEC. 2. Section 209 of the International Economic Policy Act of 1972, as amended, is further amended by striking out "June 30, 1977" and inserting in lieu thereof "September 30, 1977".

22 USC 2848.

SEC. 3. Section 210 of the International Economic Policy Act of 1972, as amended, is further amended by striking out said section and inserting in lieu thereof the following:

Appropriation authorization. 22 USC 2849.

"SEC. 210. For the purpose of carrying out the provisions of this title, there are authorized to be appropriated $1,657,000 for fiscal year ending June 30, 1976, and $1,670,000 for the fiscal year ending September 30, 1977.".

Approved August 9, 1975.

LEGISLATIVE HISTORY:

HOUSE REPORT No. 94–219 (Comm. on International Relations).
SENATE REPORT No. 94–355 (Comm. on Banking, Housing, and Urban Affairs).
CONGRESSIONAL RECORD, Vol. 121 (1975):
July 9, considered and passed House.
July 31, considered and passed Senate.

Public Law 94-88
94th Congress

An Act

To amend the Tariff Schedules of the United States to provide duty free treatment to watches and watch movements manufactured in any insular possession of the United States if foreign materials do not exceed 70 percent of the total value of such watches and movements, to amend child support provisions of title IV of the Social Security Act, and for other purposes.

Aug. 9, 1975
[H.R. 7710]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That general headnote 3(a)(i) of the Tariff Schedules of the United States (19 U.S.C. 1202) is amended by inserting immediately after "50 percent of their total value" the following: "(or more than 70 percent of their total value with respect to watches and watch movements)".

Certain watches and watch movements, duty suspension; Social Security Act, amendments. 19 USC 1202 note.

SEC. 2. The amendment made by the first section of this Act shall apply with respect to articles entered, or withdrawn from warehouse, for consumption on or after the date of enactment of this Act.

TITLE II—AMENDMENTS RELATING TO SOCIAL SECURITY ACT

TEMPORARY WAIVERS OF CERTAIN REQUIREMENTS FOR CERTAIN STATES

SEC. 201. (a) If the Governor of any State, which has an approved State plan under part A of title IV of the Social Security Act, submits to the Secretary of Health, Education, and Welfare (hereinafter in this section referred to as the "Secretary"), a request that any provision of section 402(a)(26) of the Social Security Act or section 402(a)(27) of such Act not be made applicable to such State prior to a date specified in the request (which shall not be later than June 30, 1976) and—

Request, submittal. 42 USC 602 note. 42 USC 601. 42 USC 602.

(1) such request is accompanied by a certification, with respect to such provision, of the Governor that the State cannot implement such provision because of the lack of authority to do so under State law, and

(2) such request fully explains the reasons why such provision cannot be implemented, and sets forth any provision of State law which impedes the implementation thereof,

the Secretary shall, if he is satisfied that such a waiver is justified, grant the waiver so requested.

(b) During any period with respect to which a waiver, obtained under subsection (a) with respect to section 402(a)(26)(A) of the Social Security Act, is in effect with respect to any State, the provisions of section 454 (4) and (5) of such Act shall be applied to such State in like manner as if the phrase "with respect to whom an assignment under section 402(a)(26) of this title is effective" did not appear therein, and the provisions of section 458 of such Act shall be applied to such State in like manner as if the phrase "support rights assigned under section 402(a)(26)" read "child support obligations".

42 USC 654. 42 USC 658.

(c) Section 455 of the Social Security Act is amended to read as follows:

Payments to States. 42 USC 655.

"SEC. 455. From the sums appropriated therefor, the Secretary shall pay to each State for each quarter, beginning with the quarter commencing July 1, 1975, an amount—

"(1) equal to 75 percent of the total amounts expended by such State during such quarter for the operation of the plan approved under section 454, and

42 USC 654.

"(2) equal to 50 percent of the total amounts expended by such State during such quarter for the operation of a plan which meets the conditions of section 454 except as is provided by a waiver by the Secretary which is granted pursuant to specific authority set forth in the law;

except that no amount shall be paid to any State on account of furnishing child support collection or paternity determination services (other than the parent locator services) to individuals under section 454(6) during any period beginning after June 30, 1976.".

Reports to congressional committees.
42 USC 602 note.

(d) The Secretary shall from time to time, submit to the Committee on Finance of the Senate and the Committee on Ways and Means of the House of Representatives, full and complete reports (the first of which shall not be later than September 15, 1975) regarding any requests which he has received for waivers under subsection (a) and any waivers granted by him under such subsection, and such reports shall include copies of all such requests for such waivers and any supporting documents submitted with or in connection with any such requests.

PROTECTION AGAINST DECREASE IN GRANTS BECAUSE OF PAYMENT OF SUPPORT DIRECTLY TO THE STATE

42 USC 602.

SEC. 202. Section 402(a) of the Social Security Act is amended—

(1) by striking out "and" at the end of paragraph (26);

(2) by striking out the period at the end of paragraph (27) and inserting in lieu thereof "; and"; and

(3) by adding after paragraph (27) the following new paragraph:

"(28) provide that, in determining the amount of aid to which an eligible family is entitled, any portion of the amounts collected in any particular month as child support pursuant to a plan approved under part D, and retained by the State under section 457, which (under the State plan approved under this part as in effect both during July 1975 and during that particular month) would not have caused a reduction in the amount of aid paid to the family if such amounts had been paid directly to the family, shall be added to the amount of aid otherwise payable to such family under the State plan approved under this part.".

42 USC 651.
42 USC 657.

SUPPORT ASSIGNMENTS BY RECIPIENTS DURING TRANSITIONAL PERIOD

42 USC 602 note.

SEC. 203. (a) In the case of any State the law of which on August 1, 1975, meets the requirements of section 402(a)(26)(A) of the Social Security Act, the requirements of such section shall be effective, with respect to individuals who are recipients on August 1, 1975, at such time as may be determined by the State agency, but not later than the time of the first redetermination of eligibility required after August 1, 1975, and in any event not later than February 1, 1976.

42 USC 602.

(b) In the case of any State described in subsection (a), the provisions of section 454 (4) and (5) of the Social Security Act shall, during the period beginning August 1, 1975, and ending December 31, 1975, be applied, with respect to all recipients of aid under the State

42 USC 654.

plan of such State (approved under part A of title IV of such Act) who have not made an assignment pursuant to section 402(a)(26)(A) of such Act, in the case of such State in like manner as if the phrase "with respect to whom an assignment under section 402(a)(26) of this title is effective" did not appear therein, and the provisions of section 458 of such Act shall, during such period, be applied in the case of such State in like manner as if the phrase "support rights assigned under section 402(a)(26)" read "child support obligations". 42 USC 601. 42 USC 602.

REMOVAL OF VENDOR PAYMENT LIMITATION FOR CHILD SUPPORT

SEC. 204. Section 403(a) of the Social Security Act is amended by inserting before the period at the end thereof "or section 402(a)(26)". 42 USC 603.

AUTHORITY FOR QUARTERLY ADVANCES TO STATES FOR CHILD SUPPORT PROGRAMS

SEC. 205. (a) Section 455 of the Social Security Act (as added by the Social Services Amendments of 1974 and amended by section 201(c) of this Act) is amended by inserting "(a)" immediately after "SEC. 455." and by adding at the end thereof the following new subsection: Estimate of payments. *Ante*, p. 433.

"(b)(1) Prior to the beginning of each quarter, the Secretary shall estimate the amount to which a State will be entitled under subsection (a) for such quarter, such estimates to be based on (A) a report filed by the State containing its estimate of the total sum to be expended in such quarter in accordance with the provisions of such subsection, and stating the amount appropriated or made available by the State and its political subdivisions for such expenditures in such quarter, and if such amount is less than the State's proportionate share of the total sum of such estimated expenditures, the source or sources from which the difference is expected to be derived, and (B) such other investigation as the Secretary may find necessary.

"(2) The Secretary shall then pay, in such installments as he may determine, to the State the amount so estimated, reduced or increased to the extent of any overpayment or underpayment which the Secretary determines was made under this section to such State for any prior quarter and with respect to which adjustment has not already been made under this subsection.

"(3) Upon the making of any estimate by the Secretary under this subsection, any appropriations available for payments under this section shall be deemed obligated.".

PAYMENTS TO STATES FOR CERTAIN EXPENSES INCURRED DURING JULY 1975

SEC. 206. Notwithstanding any other provision of law, amounts expended in good faith by any State (or by any of its political subdivisions) during July 1975 in employing and compensating staff personnel, leasing office space, purchasing equipment, or carrying out other organizational or administrative activities, in preparation for or implementation of the child support program under part D of title IV of the Social Security Act, shall be considered for purposes of section 455 of such Act (as amended by this Act), to the extent that payment for the activities involved would be made under such section (as so amended) if section 101 of the Social Services Amendments of 1974 had become effective on July 1, 1975, to have been expended by the State for the operation of the State plan or for the conduct of activities specified in such section (as so amended). 42 USC 655 note. 42 USC 651. 42 USC 655. 88 Stat. 2351.

SAFEGUARDING OF INFORMATION

42 USC 602.

SEC. 207. Section 402(a)(9) of the Social Security Act (as amended by the Social Services Amendments of 1974) is amended to read as follows:

"(9) provide safeguards which restrict the use of disclosure of information concerning applicants or recipients to purposes directly connected with (A) the administration of the plan of the State approved under this part, the plan or program of the State under part B, C, or D of this title or under title I, X, XIV, XVI, XIX, or XX, or the supplemental security income program established by title XVI, (B) any investigation, prosecution, or criminal or civil proceeding, conducted in connection with the administration of any such plan or program, and (C) the administration of any other Federal or federally assisted program which provides assistance, in cash or in kind, or services, directly to individuals on the basis of need; and the safeguards so provided shall prohibit disclosure, to any committee or a legislative body, of any information which identifies by name or address any such applicant or recipient;".

42 USC 620, 630, 651.
42 USC 301, 1201, 1351, 1381, 1396, 1397.

PROTECTION OF CHILD'S BEST INTEREST

42 USC 602.

SEC. 208. (a) Section 402(a)(26)(B) of the Social Security Act (as added by the Social Services Amendments of 1974) is amended by inserting immediately after "such applicant or such child" the following: ", unless (in either case) such applicant or recipient is found to have good cause for refusing to cooperate as determined by the State agency in accordance with standards prescribed by the Secretary, which standards shall take into consideration the best interests of the child on whose behalf aid is claimed;".

42 USC 654.

(b) Section 454(4)(A) of such Act (as so added) is amended by inserting after "such child," the following: "unless the agency administering the plan of the State under part A of this title determines in accordance with the standards prescribed by the Secretary pursuant to section 402(a)(26)(B) that it is against the best interests of the child to do so,".

42 USC 601.

(c) Section 454(4)(B) of such Act (as so added) is amended by inserting immediately after "other States" the following: "(unless the agency administering the plan of the State under part A of this title determines in accordance with the standards prescribed by the Secretary pursuant to section 402(a)(26)(B) that it is against the best interests of the child to do so)".

Proposed standards, submittal to Congress.
42 USC 602 note.
Effective date.

(d)(1) The Secretary of Health, Education, and Welfare shall submit to the Congress any proposed standards authorized to be prescribed by him under section 402(a)(26)(B) of the Social Security Act (as added by the Social Services Amendments of 1974 and as amended by subsection (a) of this section). Such standards shall take effect at the end of the period which ends 60 days after such proposed standards are so submitted to such committees unless, within such period, either House of the Congress, adopts a resolution of disapproval.

"Resolution."

(2) For purposes of this subsection, the term "resolution" means only—

(A) a concurrent resolution of the two Houses of the Congress, the matter after the resolving clause of which is as follows: "That the Congress does not approve the standards (as authorized under

section 402(a)(26)(B) of the Social Security Act) transmitted to the Congress on .", the blank space being filled with the appropriate date; and 42 USC 602.

(B) a resolution of either House of the Congress, the matter after the resolving clause of which is as follows: "That the does not approve the standards (as authorized under section 402(a)(26)(B) of the Social Security Act) transmitted to the Congress on .", with the first blank space being filled with the name of the resolving House, and the second blank space being filled with the appropriate date.

(3) The provisions of subsection (b), (c), (d), (e), and (f) of section 152 of the Trade Act of 1974 shall be applicable to resolutions under this subsection, except that the "20 hours" referred to in subsections (d)(2) and (e)(2) of such section shall be deemed to read "4 hours". 19 USC 2192.

TECHNICAL AMENDMENT

SEC. 209. Section 402(a)(27) is amended by striking out "States have" and inserting in lieu thereof "State has". 42 USC 602.

EFFECTIVE DATE

SEC. 210. The amendments made by this title shall, unless otherwise specified therein, become effective August 1, 1975. 42 USC 602 note.

Approved August 9, 1975.

LEGISLATIVE HISTORY:

HOUSE REPORT No. 94-298 (Comm. on Ways and Means).
SENATE REPORT No. 94-273 (Comm. on Finance).
CONGRESSIONAL RECORD, Vol. 121 (1975):
June 24, considered and passed House.
Aug. 1, considered and passed Senate, amended; House concurred in Senate amendments.
WEEKLY COMPILATION OF PRESIDENTIAL DOCUMENTS, Vol. 11, No. 33:
Aug. 11, Presidential statement.

Public Law 94–89
94th Congress

An Act

Aug. 9, 1975
[H.R. 7716]

To amend the Tariff Schedules of the United States to suspend the duty on certain forms of zinc until the close of June 30, 1978, and for other purposes.

Zinc and copper, duty suspension.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That subpart B of part 1 of the Appendix to the Tariff Schedules of the United States (19 U.S.C. 1202) is amended by inserting immediately after item 907.80 the following new items:

"	911.00	Zinc-bearing ores (provided for in item 602.20, part 1, schedule 6)	Free on zinc content	No change	On or before 6/30/78
	911.01	Zinc dross and zinc skimmings (provided for in item 603.30, part 1, schedule 6)	Free	No change	On or before 6/30/78
	911.02	Zinc-bearing materials (provided for in items 603.49, 603.50, 603.54 and 603.55, part 1, schedule 6)	Free on zinc content	No change	On or before 6/30/78
	911.03	Zinc waste and scrap (provided for in item 626.10, part 2, schedule 6)	Free	No change	On or before 6/30/78 ."

SEC. 2. Items 911.10, 911.11, and 911.12 of the Appendix to the Tariff Schedules of the United States (19 U.S.C. 1202) are amended by striking out "6/30/75" each place it appears therein and inserting in lieu thereof "6/30/78".

19 USC 1202 note.

SEC. 3. (a) The amendment made by the first section of this Act shall apply with respect to articles entered, or withdrawn from warehouse, for consumption on or after the date of the enactment of this Act.

(b) The amendments made by section 2 of this Act apply with respect to articles entered, or withdrawn from warehouse, for consumption on or after the date of enactment of this Act.

(c) Upon request therefore filed with the customs officer concerned before the 121st day after the date of enactment of this Act, the entry or withdrawal of any article classified under the items amended under section 2 of this Act which was made after June 30, 1975, 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 entry or withdrawal had been made on the date of enactment of this Act.

19 USC 1514.

Approved August 9, 1975.

LEGISLATIVE HISTORY:

HOUSE REPORT No. 94–300 (Comm. on Ways and Means).
SENATE REPORT No. 94–279 (Comm. on Finance).
CONGRESSIONAL RECORD, Vol. 121 (1975):
July 24, considered and passed House.
July 17, considered and passed Senate, amended.
Aug. 1, House concurred in Senate amendments.

Public Law 94-90
94th Congress

An Act

To amend the Federal Aviation Act of 1958 relating to war risk insurance.

Aug. 9, 1975
[H.R. 8564]

War risk insurance, extension.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) section 1306 of the Federal Aviation Act of 1958 (49 U.S.C. 1536) is amended by adding at the end thereof the following new subsection:

"INVESTMENT OF REVOLVING FUND

"(f) Upon the request of the Secretary, the Secretary of the Treasury may invest all or any part of the revolving fund in interest-bearing securities of the United States. The interest on, and the proceeds from the sale or redemption of, any securities held in the revolving fund shall be credited to and form a part of the revolving fund.".

(b) That portion of the table of contents contained in the first section of such Act which appears under —

(1) the center heading

"TITLE XIII—WAR RISK INSURANCE"

is amended by striking out

"Sec. 1306. Collection and disbursement of funds."

and by inserting in lieu thereof

"Sec. 1306. Collection, disbursement, and investment of funds.";

and

(2) the side heading

"Sec. 1306. Collection, disbursement, and investment of funds."

is amended by adding at the end thereof the following:

"(f) Investment of revolving fund.".

(c) The section heading of section 1306 of such Act is amended by striking out

"COLLECTION AND DISBURSEMENT OF FUNDS"

and inserting in lieu thereof

"COLLECTION, DISBURSEMENT, AND INVESTMENT OF FUNDS".

SEC. 2. Section 1312 of the Federal Aviation Act of 1958 (49 U.S.C. 1542) is amended by striking out "September 7, 1975", and inserting in lieu thereof "May 7, 1976".

Investigation and study.
49 USC 1531 note.

SEC. 3. (a) The President shall conduct a full and complete investigation and study of the possible expansion of the war risk insurance authorized by title XIII of the Federal Aviation Act of 1958 (49 U.S.C. 1531 et seq.), and by other provisions of law, to provide coverage for losses and damage resulting from riots, civil disorder, hijacking, or other similar acts.

Consultation.

(b) In carrying out this section, the President shall consult with the Secretaries of Transportation, Defense, and State, and the heads of such other departments, agencies, and instrumentalities of the Federal Government as he determines necessary.

Report to Congress. Legislative recommendations.

(c) The President shall report to Congress not later than the ninetieth day after the date of enactment of this section the results of the investigation and study authorized by this section together with his recommendations for legislation (if any) which he determines necessary.

Approved August 9, 1975.

LEGISLATIVE HISTORY:

HOUSE REPORT No. 94-410 (Comm. on Public Works and Transportation).
CONGRESSIONAL RECORD, Vol. 121 (1975):
July 29, considered and passed House.
July 31, considered and passed Senate.

Public Law 94-91
94th Congress

An Act

Making appropriations for the Treasury Department, the United States Postal Service, the Executive Office of the President, and certain Independent Agencies, for the fiscal year ending June 30, 1976, and the period ending September 30, 1976, and for other purposes.

Aug. 9, 1975
[H.R. 8597]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the following sums are appropriated, out of any money in the Treasury not otherwise appropriated, for the Treasury Department, the United States Postal Service, the Executive Office of the President, and certain Independent Agencies, for the fiscal year ending June 30, 1976, and the period ending September 30, 1976, and for other purposes, namely:

Treasury, Postal Service, and General Government Appropriation Act, 1976.

TITLE I—DEPARTMENT OF THE TREASURY

Treasury Department Appropriations Act, 1976.

Office of the Secretary

SALARIES AND EXPENSES

For necessary expenses in the Office of the Secretary, including the operation and maintenance of the Treasury Building and Annex thereof; hire of passenger motor vehicles; and not to exceed $10,000 for official reception and representation expenses; $27,500,000, of which not to exceed $100,000 shall be available for unforeseen emergencies of a confidential character, to be allocated and expended under the direction of the Secretary of the Treasury and to be accounted for solely on his certificate, and of which $3,482,000 shall be for repairs and improvements to Treasury buildings and shall remain available until expended.

For "Salaries and expenses" for the period July 1, 1976, through September 30, 1976, $6,875,000.

Office of Revenue Sharing

SALARIES AND EXPENSES

For necessary expenses in the Office of Revenue Sharing, including the hire of passenger motor vehicles, $2,490,000.

For "Salaries and expenses" for the period July 1, 1976, through September 30, 1976, $622,500.

Federal Law Enforcement Training Center

SALARIES AND EXPENSES

For necessary expenses of the Federal Law Enforcement Training Center, including necessary relocation costs, purchase and hire of vehicles, and services as authorized by 5 U.S.C. 3109; $12,000,000.

For "Salaries and expenses" for the period July 1, 1976, through September 30, 1976, $3,500,000.

BUREAU OF GOVERNMENT FINANCIAL OPERATIONS

SALARIES AND EXPENSES

For necessary expenses of the Bureau of Government Financial Operations, $120,000,000.

For "Salaries and expenses" for the period July 1, 1976, through September 30, 1976, $30,000,000.

PAYMENT OF GOVERNMENT LOSSES IN SHIPMENT

For payment of Government losses in shipment, in accordance with section 2 of the Act approved July 8, 1937 (40 U.S.C. 722), $700,000, to remain available until expended.

For "Payment of Government losses in shipment," for the period July 1, 1976, through September 30, 1976, $175,000.

EISENHOWER COLLEGE GRANTS

For payments to Eisenhower College as provided by Public Law 93-441, $1,000,000.

31 USC 391 note.

GRANTS TO THE HOOVER INSTITUTION ON WAR, REVOLUTION, AND PEACE

For payments to the Hoover Institution on War, Revolution, and Peace as provided by Public Law 93-585, $7,000,000, to remain available until January 2, 1980.

88 Stat. 1918.

BUREAU OF ALCOHOL, TOBACCO AND FIREARMS

SALARIES AND EXPENSES

For necessary expenses of the Bureau of Alcohol, Tobacco and Firearms including purchase of (not to exceed two hundred and forty for replacement only, for police-type use), and hire of passenger motor vehicles; hire of aircraft; and services of expert witnesses at such rates as may be determined by the Director; $101,339,000.

For "Salaries and expenses" for the period July 1, 1976, through September 30, 1976, $25,334,000.

UNITED STATES CUSTOMS SERVICE

SALARIES AND EXPENSES

For necessary expenses of the United States Customs Service, including purchase of three hundred and twenty-nine passenger motor vehicles (for replacement only), including three hundred and nineteen for police-type use; acquisition (purchase of four), operation, and maintenance of aircraft; hire of passenger motor vehicles and aircraft; and awards of compensation to informers as authorized by the Act of August 13, 1954 (22 U.S.C. 401); $310,000,000, of which not to exceed $150,000 shall be available for payment for rental space in connection with preclearance operations.

For "Salaries and expenses," for the period July 1, 1976, through September 30, 1976, $77,500,000.

BUREAU OF THE MINT

SALARIES AND EXPENSES

For necessary expenses of the Bureau of the Mint, including purchase of one passenger motor vehicle for replacement only; and not to exceed $2,500 for the expenses of the annual assay commission; $41,230,000.

For "Salaries and expenses" for the period July 1, 1976, through September 30, 1976, $10,307,500.

CONSTRUCTION OF MINT FACILITIES

For expenses necessary for construction of Mint facilities, $3,350,000, to remain available until expended.

BUREAU OF THE PUBLIC DEBT

ADMINISTERING THE PUBLIC DEBT

For necessary expenses connected with any public-debt issues of the United States, $98,000,000.

For "Administering the public debt" for the period July 1, 1976, through September 30, 1976, $24,500,000.

INTERNAL REVENUE SERVICE

SALARIES AND EXPENSES

For necessary expenses of the Internal Revenue Service, not otherwise provided for, including executive direction, administrative support, and internal audit and security; hire of passenger motor vehicles; and services of expert witnesses at such rates as may be determined by the Commissioner; $44,500,000.

For "Salaries and expenses" for the period July 1, 1976, through September 30, 1976, $11,125,000.

ACCOUNTS, COLLECTIONS AND TAXPAYER SERVICE

For necessary expenses of the Internal Revenue Service for processing tax returns, revenue accounting, providing assistance to taxpayers, securing unfiled tax returns, and collecting unpaid taxes; hire of passenger motor vehicles; and services of expert witnesses at such rates as may be determined by the Commissioner; including not to exceed $10,000,000 for employees on temporary appointments and not to exceed $183,000 for salaries of personnel engaged in preemployment training of data transcriber applicants; $771,500,000.

For "Accounts, collection and taxpayer service" for the period July 1, 1976, through September 30, 1976, $192,875,000.

COMPLIANCE

For necessary expenses of the Internal Revenue Service for determining and establishing tax liabilities, and for investigation and enforcement activities, including purchase (not to exceed three hundred and twenty-six of which one hundred and ninety-eight shall be for replacement only, for police-type use) and hire of passenger motor

vehicles; and services of expert witnesses at such rates as may be determined by the Commissioner; $830,000,000.

For "Compliance" for the period July 1, 1976, through September 30, 1976, $207,500,000.

UNITED STATES SECRET SERVICE

SALARIES AND EXPENSES

For necessary expenses for the operation of the United States Secret Service, including purchase (not to exceed seventy-seven for police-type use for replacement only) and hire of passenger motor vehicles; hire of aircraft; training and assistance requested by State and local governments which may be provided without reimbursement; rental of buildings in the District of Columbia, and fencing, lighting, guard booths, and other facilities on private or other property not in Government ownership or control as may be necessary to perform protective functions; $95,250,000.

For "Salaries and expenses" for the period July 1, 1976, through September 30, 1976, $28,360,000.

GENERAL PROVISIONS—TREASURY DEPARTMENT

SEC. 101. Appropriations in this Act to the Treasury Department shall be available for uniforms or allowances therefor, as authorized by law (5 U.S.C. 5901–2) including maintenance, repairs, and cleaning; purchase of insurance for official motor vehicles operated in foreign countries; entering into contracts with the Department of State for the furnishing of health and medical services to employees and their dependents serving in foreign countries; and services as authorized by 5 U.S.C. 3109.

SEC. 102. Motor vehicles for police-type use by the Treasury Department may be purchased without regard to the general purchase price limitation for the current fiscal year.

Citation of title.

This title may be cited as the "Treasury Department Appropriations Act, 1976".

Postal Service Appropriation Act, 1976.

TITLE II—POSTAL SERVICE

PAYMENT TO THE POSTAL SERVICE FUND

For payment to the Postal Service Fund for public service costs and for revenue foregone on free and reduced rate mail, pursuant to 39 U.S.C. 2401 (b) and (c), and for meeting the liabilities of the former Post Office Department to the Employees' Compensation Fund and to postal employees for earned and unused annual leave as of June 30, 1971, pursuant to 39 U.S.C. 2004, $1,582,185,000.

For "payment to the Postal Service fund" for the period July 1, 1976, through September 30, 1976, $416,481,000.

REVOLVING FUND FOR ADVANCE PAYMENTS TO UNITED STATES INTERNATIONAL AIR CARRIERS

There shall be appropriated to the United States Postal Service, $5,000,000, for the establishment and operation of a Revolving Fund pursuant to section 2602(c) of title 39, United States Code.

Citation of title.

This title may be cited as the "Postal Service Appropriation Act, 1976".

TITLE III—EXECUTIVE OFFICE OF THE PRESIDENT

Executive Office Appropriations Act, 1976.

Compensation of the President

For compensation of the President, including an expense allowance at the rate of $50,000 per annum as authorized by 3 U.S.C. 102, $250,000.

For "Compensation of the President" for the period July 1, 1976, through September 30, 1976, $62,500.

Council of Economic Advisers

SALARIES AND EXPENSES

For necessary expenses of the Council in carrying out its functions under the Employment Act of 1946 (15 U.S.C. 1021), $1,600,000.

For "Salaries and expenses" for the period July 1, 1976, through September 30, 1976, $400,000.

Council on International Economic Policy

SALARIES AND EXPENSES

For necessary expenses of the Council on International Economic Policy, including hire of passenger motor vehicle, $1,650,000 of which, an amount not to exceed $1,000 may be expended for official entertainment.

For "Salaries and expenses" for the period July 1, 1976, through September 30, 1976, $412,000 of which, an amount not to exceed $250 may be expended for official entertainment.

Council on Wage and Price Stability

SALARIES AND EXPENSES

For expenses, including compensation for the Deputy Director at a rate not to exceed the rate for level V of the Executive Schedule, necessary for the Council on Wage and Price Stability as authorized by the Council on Wage and Price Stability Act of 1974 (Public Law 93-387) $1,550,000.

5 USC 5316.

12 USC 1904 note.

Domestic Council

SALARIES AND EXPENSES

For necessary expenses of the Domestic Council, including services as authorized by 5 U.S.C. 3109, but at rates for individuals not to exceed the per diem equivalent of the rate for grade GS-18; and other personal services without regard to the provisions of law regulating the employment and compensation of persons in the Government service; $1,310,000.

5 USC 5332 note.

For "Salaries and expenses" for the period July 1, 1976, through September 30, 1976, $327,000.

Unanticipated Needs

For expenses necessary to enable the President to meet unanticipated needs, in furtherance of the national interest, security, or defense which may arise at home or abroad during the current fiscal year, and to pay administrative expenses (including personnel, in his discretion

and without regard to any provision of law regulating employment and pay of persons in the government service or regulating expenditures of government funds) incurred with respect thereto, $1,000,000.

For "Unanticipated needs" for the period July 1, 1976, through September 30, 1976, $250,000.

EXECUTIVE RESIDENCE

OPERATING EXPENSES

For the care, maintenance, repair and alteration, refurnishing, improvement, heating and lighting, including electric power and fixtures, of the Executive Residence, to be expended as the President may determine, notwithstanding the provisions of this or any other Act, and official entertainment expenses of the President to be accounted for solely on his certificate, $1,826,000.

For "Operating expenses" for the period July 1, 1976, through September 30, 1976, $457,000.

OFFICIAL RESIDENCE OF THE VICE PRESIDENT

OPERATING EXPENSES

For the care, maintenance, repair and alteration, furnishing, improvement, heating and lighting, including electric power and fixtures, of the official residence of the Vice President, $274,000: *Provided*, That advances or repayments or transfers from this appropriation may be made to any department or agency for expenses of carrying out such activities.

For "Operating expenses" for the period July 1, 1976, through September 30, 1976, $26,000.

NATIONAL COMMISSION ON PRODUCTIVITY AND WORK QUALITY

SALARIES AND EXPENSES

For necessary expenses of the National Commission on Productivity and Work Quality, including services as authorized by 5 U.S.C. 3109, and hire of passenger motor vehicles, $2,000,000.

For "Salaries and expenses" for the period July 1, 1976, through September 30, 1976, $500,000.

NATIONAL SECURITY COUNCIL

SALARIES AND EXPENSES

For expenses necessary for the National Security Council, including services as authorized by 5 U.S.C. 3109, $2,980,000.

For "Salaries and expenses" for the period July 1, 1976, through September 30, 1976, $650,000.

OFFICE OF MANAGEMENT AND BUDGET

SALARIES AND EXPENSES

For expenses necessary for the Office of Management and Budget, including hire of passenger motor vehicles, and services as authorized by 5 U.S.C. 3109, $23,750,000.

For "Salaries and expenses" for the period July 1, 1976, through September 30, 1976, $5,937,500.

OFFICE OF FEDERAL PROCUREMENT POLICY

SALARIES AND EXPENSES

For expenses of the Office of Federal Procurement Policy, including services as authorized by 5 U.S.C. 3109, $730,000.

For "Salaries and expenses" for the period July 1, 1976, through September 30, 1976, $182,500.

OFFICE OF TELECOMMUNICATIONS POLICY

SALARIES AND EXPENSES

For expenses necessary for the conduct of telecommunications functions assigned to the Director of the Office of Telecommunications Policy, including hire of passenger motor vehicles, and services as authorized by 5 U.S.C. 3109, $8,500,000.

For "Salaries and expenses" for the period July 1, 1976, through September 30, 1976, $2,100,000.

SPECIAL ASSISTANCE TO THE PRESIDENT

For expenses necessary to enable the Vice President to provide assistance to the President in connection with specially assigned functions, services as authorized by 5 U.S.C. 3109, but at rates for individuals not to exceed the per diem equivalent of the rate for grade GS-18, compensation for one position at a rate not to exceed the rate of level II of the Executive schedule, and other personal services without regard to the provisions of law regulating the employment and compensation of persons in the Government service, including hire of passenger motor vehicles, $978,000. 5 USC 5332 note. 5 USC 5313.

For "Special assistance to the President" for the period July 1, 1976, through September 30, 1976, $244,000.

THE WHITE HOUSE OFFICE

SALARIES AND EXPENSES

For expenses necessary for the White House Office as authorized by law, including not to exceed $3,850,000 for services as authorized by 5 U.S.C. 3109, at such per diem rates for individuals as the President may specify, and other personal services without regard to the provisions of law regulating the employment and compensation of persons in the Government service; hire of passenger motor vehicles, newspapers, periodicals, teletype news service, and travel (not to exceed $100,000 to be accounted for solely on the certificate of the President); and not to exceed $10,000 for official entertainment expenses to be available for allocation within the Executive Office of the President; $16,763,000.

For "Salaries and expenses" for the period July 1, 1976, through September 30, 1976, $4,191,000.

This title may be cited as the "Executive Office Appropriations Act, 1976". Citation of title.

Independent Agencies Appropriations Act, 1976.

TITLE IV—INDEPENDENT AGENCIES

Administrative Conference of the United States

SALARIES AND EXPENSES

For necessary expenses of the Administrative Conference of the United States, established by the Administrative Conference Act, as amended (5 U.S.C. 571 et seq.), $785,000.

For "Salaries and expenses" for the period July 1, 1976, through September 30, 1976, $196,000.

Advisory Commission on Intergovernmental Relations

SALARIES AND EXPENSES

For expenses necessary to carry out the provisions of the Act of September 24, 1959 (73 Stat. 703–706), $1,200,000. 42 USC 4271.

For "Salaries and expenses" for the period July 1, 1976, through September 30, 1976, $300,000.

Advisory Committee on Federal Pay

SALARIES AND EXPENSES

For necessary expenses of the Advisory Committee on Federal Pay, established by 5 U.S.C. 5306, $135,000.

For "Salaries and expenses" for the period July 1, 1976, through September 30, 1976, $34,000.

Civil Service Commission

SALARIES AND EXPENSES

For necessary expenses, including services as authorized by 5 U.S.C. 3109; medical examinations performed for veterans by private physicians on a fee basis; rental of conference rooms in the District of Columbia; hire of passenger motor vehicles; not to exceed $2,500 for official reception and representation expenses; and advances or reimbursements to applicable funds of the Commission and the Federal Bureau of Investigation for expenses incurred under Executive Order 10422 of January 9, 1953, as amended; $94,700,000 together with not to exceed $20,843,000 for current fiscal year administrative expenses for the retirement and insurance programs to be transferred from the appropriate trust funds of the Commission in amounts determined by the Commission without regard to other statutes: *Provided*, That the provisions of this appropriation shall not affect the authority to use applicable trust funds for administrative expenses of effecting statutory annuity adjustments. No part of the appropriation herein made to the Civil Service Commission shall be available for the salaries and expenses of the Legal Examining Unit of the Commission, established pursuant to Executive Order 9358 of July 1, 1943, or any successor unit of like purpose. 22 USC 287 note. 3 CFR 1943–1948 Comp., p. 256.

For "Salaries and expenses" for the period July 1, 1976, through September 30, 1976, $23,675,000, including an amount not to exceed $700 for official reception and representation expenses, together with not to exceed $5,248,000 for administrative expenses for the retirement

and insurance programs to be transferred from the appropriate trust funds of the Commission in amounts determined by the Commission without regard to other statutes.

GOVERNMENT PAYMENT FOR ANNUITANTS, EMPLOYEES HEALTH BENEFITS

For payment of Government contributions with respect to retired employees, as authorized by chapter 89 of title 5, United States Code, and the Retired Federal Employees Health Benefits Act, (74 Stat. 849), as amended, $338,650,000. 5 USC 8901 *et seq.*

For "Government payment for annuitants, employees health benefits" for the period July 1, 1976, through September 30, 1976, $94,437,000.

PAYMENT TO CIVIL SERVICE RETIREMENT AND DISABILITY FUND

For financing the unfunded liability of new and increased annuity benefits becoming effective on or after October 20, 1969, as authorized by 5 U.S.C. 8348, and annuities under special acts, to be credited to the Civil Service retirement and disability funds, $1,280,970,000: *Provided*, That annuities authorized by the Act of May 29, 1944, as amended (2 C.Z.C. 181) and the Act of August 19, 1950, as amended (33 U.S.C. 771–775) may hereafter be paid out of the Civil Service retirement and disability fund. 33 USC 776.

For "Payment to civil service retirement and disability fund" for annuities under special acts for the period July 1, 1976, through September 30, 1976, $245,000.

FEDERAL LABOR RELATIONS COUNCIL

SALARIES AND EXPENSES

For expenses necessary to carry out functions of the Civil Service Commission under Executive Order No. 11491 of October 29, 1969, as amended, $1,150,000: *Provided*, That public members of the Federal Service Impasses Panel may be paid travel expenses per diem in lieu of subsistence, as authorized by law (5 U.S.C. 5703) for persons employed intermittently in the Government Service, and compensation as authorized by 5 U.S.C. 3109. 5 USC 7301 note.

For "Salaries and expenses" for the period of July 1, 1976, through September 30, 1976, $278,000.

INTERGOVERNMENTAL PERSONNEL ASSISTANCE

For grants to improve State and local personnel administration, as authorized by the Intergovernmental Personnel Act of 1970, $15,000,000, to remain available until expended. 42 USC 4701 note.

For "Intergovernmental personnel assistance" for the period July 1, 1976, through September 30, 1976, $4,000,000, to remain available until expended.

COMMISSION ON FEDERAL PAPERWORK

SALARIES AND EXPENSES

For expenses necessary to carry out the provisions of the Act of December 27, 1974, Public Law 93–556, $100,000. 44 USC 3501 note.

COMMISSION ON THE REVIEW OF THE NATIONAL POLICY TOWARD GAMBLING

SALARIES AND EXPENSES

For expenses necessary to carry out functions of the Commission on the Review of the National Policy Toward Gambling, established by section 804 of the Organized Crime Control Act of 1970 (P.L. 91-452; 84 Stat. 938), $745,000.

18 USC 1955 note.

For "Salaries and expenses" for the period July 1, 1976, through September 30, 1976, $186,000.

COMMITTEE FOR PURCHASE FROM THE BLIND AND OTHER SEVERELY HANDICAPPED

SALARIES AND EXPENSES

For expenses necessary for the Committee for Purchase from the Blind and Other Severely Handicapped, established by the Act of June 23, 1971, Public Law 92-28, including hire of passenger motor vehicles, $255,000.

41 USC 46.

For "Salaries and expenses" for the period July 1, 1976, through September 30, 1976, $64,000.

FEDERAL ELECTION COMMISSION

SALARIES AND EXPENSES

For expenses necessary to carry out the provisions of the Federal Election Campaign Act Amendments of 1974, $5,000,000.

2 USC 431 note.

For "Salaries and expenses" for the period July 1, 1976, through September 30, 1976, $1,250,000.

GENERAL SERVICES ADMINISTRATION

DISPOSAL OF SURPLUS REAL AND RELATED PERSONAL PROPERTY, OPERATING EXPENSES

Not to exceed $6,000,000 of any proceeds received by the General Services Administration during the current fiscal year from transfers of excess property and the disposal of surplus real and related personal property shall be deposited to this appropriation, and shall be available for necessary expenses incurred in the Federal Buildings Fund in carrying out surplus property functions, pursuant to the Land and Water Conservation Act of 1965, as amended (16 U.S.C. 460 1-5).

16 USC 460*l*-5.

For "Disposal of surplus real and related personal property, operating expenses" for the period July 1, 1976, through September 30, 1976, $1,450,000.

FEDERAL BUILDINGS FUND

LIMITATIONS ON AVAILABILITY OF REVENUE (INCLUDING RESCISSION OF UNOBLIGATED BALANCES)

The revenues and collections deposited into a fund pursuant to Section 210(f) of the Federal Property and Administrative Services Act of 1949, as amended (40 U.S.C. 490(f)), shall be available for necessary expenses of real property management and related activities not otherwise provided for, including operation, maintenance, and protection of federally owned and leased buildings; rental of buildings in

the District of Columbia; restoration of leased premises; moving Government agencies (including space adjustments) in connection with the assignment, allocation and transfer of space; contractual services incident to cleaning or servicing buildings and moving; repair and alteration of federally owned buildings, including grounds, approaches and appurtenances; care and safeguarding of sites; maintenance, preservation, demolition, and equipment; acquisition of buildings and sites by purchase, condemnation, or as otherwise authorized by law; conversion and extension of federally owned buildings; preliminary planning and design of projects by contract or otherwise; construction of new buildings (including equipment for such buildings); and payment of principal, interest, taxes, and any other obligations for public buildings acquired by purchase contract; in the aggregate amount of $1,131,554,000 of which (1) not to exceed $63,786,000 shall remain available by project until expended (except as provided herein) for construction of buildings previously specified in annual appropriation acts and additional construction projects as authorized by law at locations and at maximum construction improvement costs (including funds for sites and expenses) as follows:

New Construction:

Alaska:

Haines, Border Station, $2,723,000

Florida:

Miami, Courthouse and Federal Office Building, $14,702,000

Miami, Motor Pool and Vehicle Maintenance Facility, $2,153,000

Oklahoma:

Oklahoma City Federal Office Building (Tunnel), $1,200,000

Conversions:

Louisiana:

New Orleans, Customhouse, $6,732,000

Acquisition of excess properties for real property activities:

$2,700,000:

Provided, That the immediately foregoing limits of costs may be exceeded to the extent that savings are effected in other such projects, but by not to exceed 10 per centum: *Provided further*, That all amounts remaining unobligated on September 30, 1976, in connection with projects specified in Public Law 93-381, under the heading "Federal Buildings Fund, Limitations on Availability of Revenue", subsection 7(a), are hereby rescinded and shall be deposited in miscellaneous receipts of the Treasury of the United States; (2) not to exceed $110,768,000, of which not to exceed $40,000,000 shall remain available until expended for alterations and major repairs; (3) not to exceed $60,000,000 for payment on purchase contracts entered into prior to July 1, 1975; (4) not to exceed $443,500,000 for rental of space; (5) not to exceed $390,000,000 for real property operations; and (6) not to exceed $63,500,000 for program direction and centralized services: *Provided further*, That for the purposes of this authorization, buildings constructed pursuant to the Public Buildings Purchase Contract Act of 1954 (40 U.S.C. 356), the Public Buildings Amendments of 1972 (40 U.S.C. 490) and buildings under the control of another department or agency where alterations of such buildings are required in connection with the moving of such other department or agency from buildings then, or thereafter to be, under the control of General Services Administration shall be considered to be federally owned buildings: *Provided further*, That amounts necessary to provide reimbursable special services to other agencies under Section 210(f)(6) of the Federal Property and Administrative Services Act of 1949, as amended (40 U.S.C. 490

88 Stat. 613.

(f)(6)) and amounts to provide such reimbursable fencing, lighting, guard booths, and other facilities on private or other property not in Government ownership or control as may be appropriate to enable the United States Secret Service to perform its protective functions pursuant to 18 U.S.C. 3056, as amended, shall be available from such revenues and collections: *Provided further*, That any revenues and collections and any other sums accruing to this Fund, during fiscal year 1976, excluding reimbursements under section 210(f)(6) of the Federal Property and Administrative Services Act of 1949 (40 U.S.C. 490 (f)(6)), in excess of $1,059,300,000 shall be deposited in miscellaneous receipts of the Treasury of the United States.

From revenues and collections available during the period July 1, 1976, through September 30, 1976, an aggregate amount of $278,950,000, of which (1) not to exceed $27,700,000 shall remain available until expended for alterations and major repairs; (2) not to exceed $27,000,000 for purchase contract payments; (3) not to exceed $110,875,000 for rental of space; (4) not to exceed $97,500,000 for real property operations; (5) not to exceed $15,875,000 for program direction and centralized services: *Provided further*, That any revenues and collections and any other sums accruing to this fund in the current period excluding reimbursements under section 210(f)(6) of the Federal Property and Administrative Services Act of 1949 (40 U.S.C. 490(f)(6)), in excess of $278,950,000 shall be deposited in miscellaneous receipts of the Treasury of the United States: *Provided further*, That moneys now or hereafter deposited into the fund established by section 210(f) of the Federal Property and Administrative Services Act of 1949, as amended (40 U.S.C. 490(f)), and available pursuant to annual appropriation Acts, may be transferred and consolidated on the books of the Treasury Department into a special account pursuant to section 9 of the Act of June 14, 1946, 60 Stat. 259 (40 U.S.C. 296), in accordance with and for the purposes specified in such section.

40 USC 490a.

FEDERAL SUPPLY SERVICE

OPERATING EXPENSES

For expenses, not otherwise provided, necessary for supply distribution (including contractual services incident to receiving, handling and shipping supply items), procurement, inspection, standardization, and supply management activities as authorized by law, transportation, public utilities, the utilization of excess property, the disposal of surplus property, the rehabilitation of personal property, the national stock pile established by the Strategic and Critical Materials Stock Piling Act (50 U.S.C. 98–98h), the supplemental stockpile established by section 104(b) of the Agricultural Trade Developmental and Assistance Act of 1954 (68 Stat. 456, as amended by 73 Stat. 607), and the inventory maintained under the Defense Production Act of 1950, as amended (50 U.S.C. 2061–2166), including services as authorized by 5 U.S.C. 3109, $159,000,000: *Provided*, That during the current fiscal year the General Services Administration is authorized to acquire leasehold interests in property, for periods not in excess of twenty years, for the storage, security, and maintenance of strategic, critical, and other materials in the national and supplemental stockpiles, provided said leasehold interests are at nominal cost to the Government: *Provided further*, That during the current fiscal year there shall be no limitation on the value of surplus strategic and critical materials which, in accordance with section 6 of the Strategic and Critical Materials Stock Piling Act (50 U.S.C. 98e), may be transferred without reimbursement to the national stockpile: *Provided further*, That

7 USC 1704.

during the current fiscal year materials in the inventory maintained under the Defense Production Act of 1950, as amended (50 U.S.C. App. 2061–2166), and excess materials in the national stockpile and supplemental stockpile, the disposition of which is authorized by law, shall be available, without reimbursement, for transfer at fair market value to contractors as payment for expenses (including transportation and other accessorial expenses) of acquisition of materials, or of refining, processing, or otherwise beneficiating materials, or of rotating materials, pursuant to section 3 of the Strategic and Critical Materials Stock Piling Act (50 U.S.C. 98b), and of processing and refining materials pursuant to section 303(d) of the Defense Production Act of 1950, as amended (50 U.S.C. App. 2093(d)).

For "Operating expenses" for the period July 1, 1976, through September 30, 1976, $39,750,000.

PERSONAL PROPERTY ACTIVITIES

GENERAL SUPPLY FUND

For necessary expenses for the "General Supply Fund", $40,000,000.

NATIONAL ARCHIVES AND RECORDS SERVICE

OPERATING EXPENSES

For necessary expenses in connection with Federal records management and related activities, as provided by law, including reimbursement for security guard services, contractual services incident to movement or disposal of records, and acceptance and utilization of voluntary and uncompensated services, $60,200,000, of which $2,000,000 for allocations and grants for historical publications as authorized by 44 U.S.C. 2504, as amended, and $200,000 for preparation of any necessary environmental impact statement for purposes of 44 U.S.C. 2108, shall remain available until expended.

For "Operating expenses" for the period July 1, 1976, through September 30, 1976, $15,050,000: *Provided*, That not to exceed $500,000 shall be available until expended for allocations and grants from historical publications as authorized by 44 U.S.C. 2504, as amended.

RECORDS DECLASSIFICATION

For expenses necessary for the review and declassification of documents, and related records management activities, pursuant to Executive Order 11652, directives issued pursuant thereto, and other applicable authorities, including expenses not otherwise provided for, and acceptance and utilization of voluntary and uncompensated services, $1,350,000. 50 USC 401 note.

For "Records declassification" for the period July 1, 1976, through September 30, 1976, $337,000.

AUTOMATED DATA AND TELECOMMUNICATIONS SERVICE

OPERATING EXPENSES

For expenses, not otherwise provided, necessary for carrying out Government-wide responsibilities relating to automated data management, telecommunications and related activities, as authorized by law, including services as authorized by 5 U.S.C. 3109, $7,250,000.

For "Operating expenses" for the period July 1, 1976, through September 30, 1976, $1,812,000.

PREPAREDNESS ACTIVITIES

OFFICE OF PREPAREDNESS

SALARIES AND EXPENSES

For expenses necessary for emergency preparedness functions, including activities authorized by 50 U.S.C. 404 (b)(3), app. 2251–2297, and the disposal of excess materials in the national stockpile established by the Strategic and Critical Materials Stock Piling Act (50 U.S.C. 98–98h), the supplemental stockpile established by section 104(b) of the Agricultural Trade Development and Assistance Act of 1954 (68 Stat. 456, as amended by 73 Stat. 607), and the inventory maintained under the Defense Production Act of 1950, as amended (50 U.S.C. 2061–2166), including services as authorized by 5 U.S.C. 3109 and expenses of attendance of cooperating officials and individuals at meetings concerned with the work of emergency planning, and the provision of transportation in connection with the continuity of Government program, to the same extent and in the same manner as permitted the Secretary of a military department under 10 U.S.C. 2632, $15,500,000.

7 USC 1704.

For "Salaries and expenses" for the period July 1, 1976, through September 30, 1976, $3,875,000.

GENERAL MANAGEMENT AND AGENCY OPERATIONS

SALARIES AND EXPENSES

For expenses of general management and agency operations of activities under the control of the General Services Administration, $12,000,000: *Provided*, That not to exceed $2,500 shall be available for reception and representation expenses.

For "Salaries and expenses" for the period July 1, 1976, through September 30, 1976, $3,000,000.

FEDERAL MANAGEMENT POLICY

SALARIES AND EXPENSES

For expenses, not otherwise provided, necessary for Government-wide policy functions in the areas of financial management, procurement management, property management, automatic data processing management, and management systems development, pursuant to Executive Order 11717, dated May 9, 1973, $1,100,000.

31 USC 16 note.

For "Salaries and expenses" for the period July 1, 1976, through September 30, 1976, $275,000.

INDIAN TRUST ACCOUNTING

For expenses necessary to provide accounting records management, and other support incident to adjudication of Indian Tribal claims by the Indian Claims Commission, $2,600,000.

For "Indian trust accounting" for the period July 1, 1976, through September 30, 1976, $650,000.

ALLOWANCES AND OFFICE STAFF FOR FORMER PRESIDENTS

For carrying out the provisions of the Act of August 25, 1958, as amended (3 U.S.C. 102 note), $275,000: *Provided*, That the Administrator of General Services shall transfer to the Secretary of the Treasury such sums as may be necessary to carry out the provisions of sections (a) and (c) of such Act.

For "Allowances and office staff for former Presidents" for the period July 1, 1976, through September 30, 1976, $68,500.

ADMINISTRATION AND STAFF SUPPORT SERVICES

SALARIES AND EXPENSES

For administrative expenses necessary in providing general administrative and staff support services within the General Services Administration, not otherwise provided for, $50,300,000: *Provided*, That this appropriation shall be available, subject to reimbursement by the applicable agency, for services performed for other agencies pursuant to section 601 of the Economy Act of 1932, as amended (31 U.S.C. 686).

For "Salaries and expenses" for the period July 1, 1976, through September 30, 1976, $12,575,000.

GENERAL PROVISIONS—GENERAL SERVICES ADMINISTRATION

SEC. 1. The appropriate appropriation or fund available to the General Services Administration shall be credited with (1) cost of operation, protection, maintenance, upkeep, repair, and improvement, included as part of rentals received from Government corporations pursuant to law (40 U.S.C. 129); and (2) appropriations or funds available to other agencies, and transferred to the General Services Administration, in connection with property transferred to the General Services Administration pursuant to the Act of July 2, 1948 (50 U.S.C. 451ff), and such appropriations or funds may be so transferred, with the approval of the Office of Management and Budget.

SEC. 2. Funds available to the General Services Administration shall be available for the hire of passenger motor vehicles.

SEC. 3. None of the funds available under this Act or under section 111 of the Federal Property and Administrative Services Act of 1949 shall be obligated or expended for the procurement by purchase, lease or any other arrangement, in whole or in part, of any or all the automatic data processing system, data communications network, or related software and services for the joint General Services Administration-Department of Agriculture MCS project 97-72 contained in the Request for Proposal CDPA 74-14, any successor to such project, or any other common user shared facilities authorized under section 111 of the Federal Property and Administrative Services Act of 1949. 40 USC 759.

HARRY S. TRUMAN SCHOLARSHIP FOUNDATION

PAYMENT TO THE HARRY S. TRUMAN MEMORIAL SCHOLARSHIP TRUST FUND

For payment to the Harry S. Truman Memorial Scholarship Trust Fund, $10,000,000.

UNITED STATES TAX COURT

SALARIES AND EXPENSES

For necessary expenses, including contract reporting, and other services as authorized by 5 U.S.C. 3109, $6,600,000: *Provided*, That travel expenses of the judges shall be paid upon the written certificate of the judge.

26 USC 7443 note.

For "Salaries and expenses" for the period July 1, 1976, through September 30, 1976, $1,650,000.

CIVIL DEFENSE

DEFENSE CIVIL PREPAREDNESS AGENCY

OPERATION AND MAINTENANCE

For expenses, not otherwise provided for, necessary for carrying out civil defense activities including the hire of motor vehicles; and financial contributions to the States for civil defense purposes, as authorized by law; $65,000,000: *Provided*, That not to exceed $29,600,000 shall be available for allocation under section 205 of the Federal Civil Defense Act of 1950, as amended.

50 USC app. 2286.

For "Operation and maintenance" for the period July 1, 1976, through September 30, 1976, $14,300,000: *Provided*, That not to exceed $7,560,000 shall be available for allocation under section 205 of the Federal Civil Defense Act of 1950, as amended.

RESEARCH, SHELTER SURVEY, AND MARKING

For expenses, not otherwise provided for, necessary for studies and research to develop measures and plans for civil defense; continuing shelter surveys, marking, and equipping surveyed spaces; and financial contributions to the States under section 201(i) of the Federal Civil Defense Act, which shall be equally matched, for emergency operating centers and civil defense equipment; $20,000,000: *Provided*, That appropriations made available for Research, shelter survey, and marking, prior to fiscal year 1975, shall not be available for obligation after September 30, 1976.

50 USC app. 2281.

For "Research, shelter survey, and marking" for the period July 1, 1976, through September 30, 1976, $5,000,000.

GENERAL PROVISIONS—CIVIL DEFENSE

SEC. 1. Appropriations contained in this Act for carrying out civil defense activities shall not be available in excess of the limitations on appropriations contained in section 408 of the Federal Civil Defense Act, as amended (50 U.S.C. App. 2260).

SEC. 2. No part of any appropriation in this Act shall be available for the construction of warehouses or for the lease of warehouse space in any building which is to be constructed specifically for civil defense activities.

Citation of title.

This title may be cited as the "Independent Agencies Appropriations Act, 1976".

TITLE V—GENERAL PROVISIONS

THIS ACT

SEC. 501. Where appropriations in this Act are expendable for travel expenses of employees and no specific limitation has been placed thereon, the expenditures for such travel expenses may not exceed the amount set forth therefor in the budget estimates submitted for the appropriations: *Provided*, That this section shall not apply to travel performed by uncompensated officials of local boards and appeal boards of the Selective Service System; to travel performed directly in connection with care and treatment of medical beneficiaries of the Veterans Administration; or to payments to interagency motor pools where separately set forth in the budget schedules.

Employees, military leave, position restoration.

SEC. 502. No part of any appropriation contained in this Act shall be available to pay the salary of any person filling a position, other than a temporary position, formerly held by an employee who has left to enter the Armed Forces of the United States and has satisfactorily completed his period of active military or naval service and has within ninety days after his release from such service or from hospitalization continuing after discharge for a period of not more than one year made application for restoration to his former position and has been certified by the Civil Service Commission as still qualified to perform the duties of his former position and has not been restored thereto.

Offices outside D.C., limitation.

SEC. 503. No part of any appropriation made available in this Act shall be used for the purchase or sale of real estate or for the purpose of establishing new offices outside the District of Columbia: *Provided*, That this limitation shall not apply to programs which have been approved by the Congress and appropriations made therefor.

Fiscal year limitation.

SEC. 504. No part of any appropriation contained in this Act shall remain available for obligation beyond the current fiscal year unless expressly so provided herein, except as provided in section 204 of the Supplemental Appropriation Act, 1975 (Public Law 93-554).

88 Stat. 1771.

Foreign-made tools, procurement restriction.

SEC. 505. No part of any appropriation contained in this Act shall be available for the procurement of or for the payment of the salary of any person engaged in the procurement of any hand or measuring tool(s) not produced in the United States or its possession except to the extent that the Administrator of General Services or his designee shall determine that a satisfactory quality and sufficient quantity of hand or measuring tools produced in the United States or its possessions cannot be procured as and when needed from sources in the United States and its possessions or except in accordance with procedures prescribed by section 6-104.4(b) of Armed Services Procurement Regulation dated January 1, 1969, as such regulation existed on June 15, 1970. This section shall be applicable to all solicitations for bids opened after its enactment.

Standard level user charge, limitation.

40 USC 490.

SEC. 506. No part of any appropriation contained in this Act shall be available for paying to the Administrator of the General Services Administration in excess of 90 per centum of the standard level user charge established pursuant to section 210j of the Federal Property and Administrative Services Act of 1949, as amended, for space and services.

Administrative expenses for purchase contracts.

40 USC 602a.

SEC. 507. None of the funds available under this Act shall be available for administrative expenses in connection with the execution of purchase contracts pursuant to section 5 of the Public Buildings Amendments of 1972 (Public Law 92-313) during the period beginning July 1, 1975, and ending September 30, 1976.

TITLE VI—GENERAL PROVISIONS

DEPARTMENTS, AGENCIES, AND CORPORATIONS

Motor vehicle purchase.
31 USC 638c note.
31 USC 638a.
Police-type vehicles.

SEC. 601. Unless otherwise specifically provided the maximum amount allowable during the current fiscal year in accordance with section 16 of the Act of August 2, 1946 (60 Stat. 810), for the purchase of any passenger motor vehicle (exclusive of buses and ambulances), is hereby fixed at $2,700 except station wagons for which the maximum shall be $3,100: *Provided*, That these limits may be exceeded by not to exceed $1,700 for police-type vehicles.

Citizenship requirement for employees.
31 USC 699b.

SEC. 602. Unless otherwise specified and during the current fiscal year, and the period July 1, 1976, through September 30, 1976, no part of any appropriation contained in this or any other Act shall be used to pay the compensation of any officer or employee of the Government of the United States (including any agency the majority of the stock of which is owned by the Government of the United States) whose post of duty is in continental United States unless such person (1) is a citizen of the United States, (2) is a person in the service of the United States on the date of enactment of this Act, who, being eligible for citizenship, has filed a declaration of intention to become a citizen of the United States prior to such date and is actually residing in the United States, (3) is a person who owes allegiance to the United States, or (4) is an alien from Cuba, Poland, South Viet Nam, or the Baltic countries lawfully admitted to the United States for permanent residence: *Provided*, That, for the purpose of this section, an affidavit signed by any such person shall be considered prima facie evidence that the requirements of this section with respect to his status have been complied with: *Provided further*, That any person making a false affidavit shall be guilty of a felony, and, upon conviction, shall be fined not more than $4,000 or imprisoned for not more than one year, or both: *Provided further*, That the above penal-clause shall be in addition to, and not in substitution for, any other provisions of existing law: *Provided further*, That any payment made to any officer or employee contrary to the provisions of this section shall be recoverable in action by the Federal Government. This section shall not apply to citizens of the Republic of the Philippines or to nationals of those countries allied with the United States in the current defense effort, or to temporary employment of translators, or to temporary employment in the field service (not to exceed sixty days) as a result of emergencies.

Quarters allowances.

SEC. 603. Appropriations of the executive departments and independent establishments for the current fiscal year, and the period July 1, 1976, through September 30, 1976, available for expenses of travel or for the expenses of the activity concerned, are hereby made available for quarters allowances and cost-of-living allowances, in accordance with 5 U.S.C. 5922–5924.

Nominees not approved.

SEC. 604. No part of any appropriation for the current fiscal year and the period July 1, 1976, through September 30, 1976, contained in this or any other Act shall be paid to any person for the filling of any position for which he or she has been nominated after the Senate has voted not to approve the nomination of said person.

Administrative expense funds.

SEC. 605. Funds made available by this or any other Act for administrative expenses in the current fiscal year and the period July 1, 1976, through September 30, 1976, of the corporations and agencies subject to the Government Corporation Control Act, as amended (31 U.S.C. 841), shall be available, in addition to objects for which such

funds are otherwise available, for rent in the District of Columbia; services in accordance with 5 U.S.C. 3109; and the objects specified under this head, all the provisions of which shall be applicable to the expenditure of such funds unless otherwise specified in the Act by which they are made available: *Provided*, That in the event any functions budgeted as administrative expenses are subsequently transferred to or paid from other funds, the limitations on administrative expenses shall be correspondingly reduced.

Foreign credits.

SEC. 606. Pursuant to section 1415 of the Act of July 15, 1952 (66 Stat. 662), foreign credits (including currencies) owed to or owned by the United States may be used by Federal agencies for any purpose for which appropriations are made for the current fiscal year and the period July 1, 1976, through September 30, 1976, (including the carrying out of Acts requiring or authorizing the use of such credits), only when reimbursement therefor is made to the Treasury from applicable appropriations of the agency concerned: *Provided*, That such credits received as exchange allowances or proceeds of sales of personal property may be used in whole or part payment for acquisition of similar items, to the extent and in the manner authorized by law, without reimbursement to the Treasury.

Publicity or propaganda.

SEC. 607. (a) No part of any appropriation contained in this or any other Act, or of the funds available for expenditure by any corporation or agency, shall be used for publicity or propaganda purposes designed to support or defeat legislation pending before Congress.

U.S. Postal Service employees, communication with Congress.

(b) No part of any appropriation contained in this Act shall be available for the payment of the salary of any officer or employee of the United States Postal Service, who—

(1) prohibits or prevents, or attempts or threatens to prohibit or prevent, any officer or employee of the United States Postal Service from having any direct oral or written communication or contact with any Member or committee of Congress in connection with any matter pertaining to the employment of such officer or employee or pertaining to the United States Postal Service in any way, irrespective of whether such communication or contact is at the initiative of such officer or employee or in response to the request or inquiry of such Member or committee; or

(2) removes, suspends from duty without pay, demotes, reduces in rank, seniority, status, pay, or performance or efficiency rating, denies promotion to, relocates, reassigns, transfers, disciplines, or discriminates in regard to any employment right, entitlement, or benefit, or any term or condition of employment of, any officer or employee of the United States Postal Service, or attempts or threatens to commit any of the foregoing actions with respect to such officer or employee, by reason of any communication or contact of such officer or employee with any Member or committee of Congress as described in paragraph (1) of this subsection.

Interdepartmental groups, expenses.

SEC. 608. No part of any appropriation contained in this or any other Act, shall be available to finance interdepartmental boards, commissions, councils, committees, or similar groups under section 214 of the Independent Offices Appropriations Act, 1946 (31 U.S.C. 691) which do not have prior and specific congressional approval of such method of financial support.

Space and service charges and building improvements.

SEC. 609. Appropriations available to any department or agency during the current fiscal year and the period July 1, 1976, through September 30, 1976, for necessary expenses, including maintenance or operating expenses, shall also be available for payment to the General Services Administration for charges for space and services and those expenses of renovation and alteration of buildings and facilities which

73 Stat. 479.
40 USC 601 note.
40 USC 603 note.

constitute public improvements, performed in accordance with the Public Buildings Act of 1959 (73 Stat. 749), the Public Buildings Amendments of 1972 (86 Stat. 216), or other applicable law.

U.S. or Postal Service guards, funds.

SEC. 610. Funds made available by this or any other Act to the fund created by the Public Buildings Amendments of 1972 (86 Stat. 216), and the "Postal Service fund" (39 U.S.C. 2003), shall be available for employment of guards for all buildings and areas owned or occupied by the United States or the Postal Service and under the charge and control of the General Services Administration or the Postal Service, and such guards shall have, with respect to such property, the powers of special policemen provided by the first section of the Act of June 1, 1948 (62 Stat. 281; 40 U.S.C. 318), but shall not be restricted to certain Federal property as otherwise required by the proviso contained in said section, and, as to property owned or occupied by the Postal Service, the Postmaster General may take the same actions as the Administrator of General Services may take under the provisions of sections 2 and 3 of the Act of June 1, 1948 (62 Stat. 281; 40 U.S.C. 318a, 318b) attaching thereto penal consequences under the authority and within the limits provided in section 4 of the Act of June 1, 1948 (62 Stat. 281; 40 U.S.C. 318c).

SEC. 611. None of the funds available under this Act shall be available for administrative expenses in connection with the transfer of any functions, personnel, facilities, equipment, or funds out of the United States Customs Service unless such transfers have been specifically authorized by the Congress.

Bureau of Customs.

SEC. 612. None of the funds available under this Act shall be available for administrative expenses for the purpose of transferring the border control activities of the United States Customs Service to any other agency of the Federal Government.

Short title.

This Act may be cited as the "Treasury, Postal Service, and General Government Appropriation Act, 1976".

Approved August 9, 1975.

LEGISLATIVE HISTORY:

HOUSE REPORTS: No. 94-350 (Comm. on Appropriations) and No. 94-421 (Comm. of Conference).
SENATE REPORT No. 94-294 (Comm. on Appropriations).
CONGRESSIONAL RECORD, Vol. 121 (1975):
July 16, 17, considered and passed House.
July 26 , considered and passed Senate, amended.
July 30, House and Senate agreed to conference report; resolved amendments in disagreement.

Public Law 94-92
94th Congress

An Act

To amend the Railroad Unemployment Insurance Act to increase unemployment and sickness benefits, and for other purposes.

Aug. 9, 1975
[H.R. 8714]

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

Railroad employees. Unemployment and sickness benefits increase.

TITLE I—RAILROAD UNEMPLOYMENT INSURANCE ACT AMENDMENTS

SECTION 1. (a) Section 1(h) of the Railroad Unemployment Insurance Act is amended— 45 USC 351.

(1) by inserting "for a 'period of continuing sickness' (as defined in section 2(a) of this Act)" immediately after the words "a statement of sickness" each time those words appear in the second paragraph thereof; and

(2) by striking out from the second paragraph "and ends with the thirteenth day thereafter" and inserting in lieu thereof "and ends with whichever is the earlier of (i) the thirteenth day thereafter, or (ii) the day immediately preceding the day with respect to which a statement of sickness for a new 'period of continuing sickness' (as defined in section 2(a) of this Act) is filed in his behalf".

(b) Section 1(k) of such Act is amended by striking out "$3" from the second sentence and inserting in lieu thereof "$10".

(c) Section 2(a) of such Act is amended— Benefits. 45 USC 352.

(1) by striking out the first paragraph and inserting in lieu thereof the following:

"(a) Benefits shall be payable to any qualified employee for each day of unemployment in excess of four during any registration period: *Provided, however,* That notwithstanding the provisions of section 1(h) of this Act, in any case in which the Board finds that his unemployment was due to a stoppage of work because of a strike in the establishment, premises, or enterprise at which he was last employed, other than a strike subject to the disqualification in section 4(a-2)(iii), 45 USC 354. none of the first seven days of unemployment due to such stoppage of work shall be included in any registration period; and subject to the registration provisions of section 1(h), so many of the ensuing seven consecutive calendar days during which his unemployment continues to be caused by such stoppage of work shall constitute a registration period, during which benefits shall be payable for each day of unemployment. Benefits shall be payable to any qualified employee for each day of sickness after the fourth consecutive day of sickness in a period of continuing sickness, but excluding four days of sickness in any registration period. A period of continuing sickness means (i) a period of consecutive days of sickness, whether from one or more causes, or (ii) a period of successive days of sickness due to a single cause without interruption of more than ninety consecutive days which are not days of sickness."; and

(2) by striking out the second paragraph and inserting in lieu thereof the following:

Daily benefit rate.

"The daily benefit rate with respect to any such employee for such day of unemployment or sickness shall be in an amount equal to 60 per centum of the daily rate of compensation for the employee's last employment in which he engaged for an employer in the base year, but not less than $12.70: *Provided, however*, That for registration periods beginning after June 30, 1975, but before July 1, 1976, such amount shall not exceed $24 per day of such unemployment or sickness and that for registration periods beginning after June 30, 1976, such amount shall not exceed $25 per day of such unemployment or sickness. The daily rate of compensation referred to in this paragraph shall be determined by the Board on the basis of information furnished to the Board by the employee, his employer, or both.".

45 USC 352.

(d) Section 2(c) of such Act is amended—

(1) by inserting "except that notwithstanding the provisions of section 1(i) of this Act, in determining the employee's compensation in the base year for purposes of this proviso and the second proviso of this subsection, any money remuneration paid to the employee for services rendered as an employee not in excess of $775 in any month shall be taken into account" immediately before the colon at the end of the first proviso; and

(2) by inserting immediately after the colon at the end of the first proviso the following: "*Provided further*, That, with respect to an employee who has less than ten years of service as defined in section 1(f) of the Railroad Retirement Act of 1974, who did not voluntarily retire and did not voluntarily leave work without good cause, and who had current rights to normal benefits for days of unemployment in a benefit year but has exhausted such rights, the maximum number of days of, and amount of payment for, unemployment within such benefit year (as extended by the provisions of subsection (h) of this section) for which benefits may be paid shall be enlarged, but not by more than sixty-five days, to include all compensable days of unemployment within an extended benefit period determined pursuant to the provisions of subsection (h) of this section, but the total amount of benefits which may be paid to an employee for days of unemployment within such extended benefit period shall in no case exceed 50 per centum of the employee's compensation in the base year:".

45 USC 231.

Extended benefit period.

(e) Section 2 of such Act is further amended by adding at the end thereof the following new subsection:

45 USC 352.

"(h) (1) For purposes of the second proviso of subsection (c) of this section, an extended benefit period, with respect to an employee, shall begin on the first day of unemployment within a period of high unemployment following the day on which the employee exhausted his then current rights to normal benefits for unemployment and shall continue for seven successive fourteen-day periods (each of which periods shall constitute a registration period). If the general benefit year in which an employee's extended benefit period began ends within such extended benefit period, such benefit year shall, in the case of such employee, be deemed not to be ended until the last day of the extended benefit period. If an employee unemployed within a period of high unemployment is not a 'qualified employee' for the general benefit year then current but was a 'qualified employee' for the preceding general benefit year, such preceding general benefit year shall, for purposes of the second proviso of subsection (c) of this section, in the case of such employee, be deemed not to be ended until the last day of such

employee's extended benefit period determined pursuant to the provisions of this subsection.

Period of high unemployment.

"(2) For purposes of subdivision (1) of this subsection, a 'period of high unemployment' shall begin with the twentieth day after whichever of the following first occurs: (A) there is a national 'on' indicator as defined in section 203(d) of Public Law 91-373, as amended, or (B) a period of three consecutive calendar months in which, for each month included in such period, the rate of railroad unemployment (seasonally adjusted) equalled or exceeded the lowest applicable unemployment rate specified for the national 'on' indicator in section 203(d) of Public Law 91-373, as amended, and shall end with the twentieth day after both of the following occur: (A) there is a national 'off' indicator as defined in section 203(d) of Public Law 91-373, as amended, and (B) a period of three consecutive calendar months, in which, for each month included in such period, the rate of railroad unemployment (seasonally adjusted) was less than the lowest applicable unemployment rate specified for the national 'off' indicator in section 203(d) of Public Law 91-373, as amended.

26 USC 3304 note.

"Rate of railroad unemployment."

"(3) For purposes of subdivision (2) of this subsection, the term 'rate of railroad unemployment' for a month means the percentage arrived at by dividing (A) the average weekly number of individuals who filed bona fide claims for benefits for days of unemployment in such month, excluding from such number those individuals whose unemployment was due to a stoppage of work because of a strike, lockout, or other labor dispute, by (B) the average midmonth count of employees of class I railroads and class I switching and terminal companies, as reported to the Interstate Commerce Commission, adjusted, as determined by the Board, to include all employees covered by this Act for the twelve months ending with the second calendar quarter preceding such month.

Publication in Federal Register.

"(4) Determinations under this subsection shall be made by the Board in accordance with regulations prescribed by it. When a determination has been made that a 'period of high unemployment' is beginning or ending, the Board shall cause notice of such determination to be published in the Federal Register. The Board shall also cause to be published in the Federal Register the formula which it uses to adjust the mid-month count of employees of class I railroads and class I switching and terminal companies to include all employees covered by this Act, and the formula it uses to make seasonal adjustments in the rate of railroad unemployment.".

Publication in Federal Register.

45 USC 353.

(f) Section 3 of such Act is amended by striking out "seven" and inserting in lieu thereof "five".

Employers' contributions.

45 USC 358.

(g) Section 8(a) of such Act is amended by striking out the last five lines in the table contained therein and inserting in lieu thereof the following:

"$300,000,000 or more	0.5
$200,000,000 or more but less than $300,000,000	4.0
$100,000,000 or more but less than $200,000,000	5.5
$50,000,000 or more but less than $100,000,000	7.0
Less than $50,000,000	8.0".

Employee representatives' contributions.

(h) Section 8(b) of such Act is amended by striking out the first sentence thereof and inserting in lieu thereof the following: "Each employee representative shall pay a contribution with respect to so much of the compensation paid to him for services performed as an employee representative during any month after December 1975 as is not, for any such calendar month, in excess of $400, at the rate applicable to employers in accordance with subsection (a) of this section.".

45 USC 360.

(i) Section 10(a) of such Act is amended—

(1) by striking out "0.25" from clause (i) and inserting in lieu thereof "0.5"; and

(2) by striking out "and pursuant to subsection (h) of this section" from clause (ii).

45 USC 361.

(j) Section 11(a) of such Act is amended by striking out "0.25" from clause (i) and inserting in lieu thereof "0.5".

Effective dates.
45 USC 351 note.

SEC. 2. (a) The amendment made by section 1(a) of this Act shall be effective with respect to days of sickness in registration periods beginning after June 30, 1975.

(b) The amendment with respect to qualifying conditions made by section 1(f) shall be effective for services rendered after December 31, 1973.

(c) The amendments made by sections 1(b), 1(c), and 1(d)(1) of this Act shall be effective with respect to days of unemployment and days of sickness in registration periods beginning after June 30, 1975: *Provided, however*, That the amount of benefits paid for days of unemployment or days of sickness in a registration period beginning after June 30, 1975, and prior to the date of enactment of this Act shall, if paid to an employee who is covered by a nongovernmental plan for unemployment or sickness insurance and who has been paid benefits under such plan for one or more days within the registration period, be reduced by the amount, if any, by which the benefits paid to him under the nongovernmental plan would have been reduced if this Act had been enacted prior to July 1, 1975, so that the employee will receive the full amount of the combined benefits that he would have received under the Railroad Unemployment Insurance Act and the nongovernmental plan if the benefit increases provided by this Act had been enacted prior to said date. The amount of each such reduction in the benefits paid under the amendment made by section 1(c)(2) of this Act shall be paid over by the Board to the insurer of the nongovernmental plan or to the employer if a self-insurer. Reductions in benefits and payments to insurers and employers hereunder shall be made on claims filed with the Board by such insurers and employers within thirty days after the date of enactment of this Act.

45 USC 367.

(d) The amendments made by sections 1(d)(2) and 1(e) of this Act shall be effective with respect to days of unemployment in registration periods beginning after June 30, 1975.

(e) The amendments made by sections 1(g), 1(h), 1(i)(1), and 1(j) of this Act shall be effective with respect to compensation paid for services rendered after December 31, 1975.

(f) The amendment made by section 1(i)(2) of this Act shall be effective on the date of enactment of this Act.

TITLE II—AMENDMENTS TO THE RAILROAD RETIREMENT ACT OF 1974 AND THE RAILROAD RETIREMENT TAX ACT

Railroad retirement account.
45 USC 231n.

SEC. 201. (a) Section 15(a) of the Railroad Retirement Act of 1974 is amended by striking out "authorized to be" in the second sentence thereof.

(b) Section 15(b) of such Act is amended by striking out "authorized to be" the first time it appears therein.

(c) Section 15(c) of such Act is amended by striking out "authorized to be" in the second sentence thereof and by adding immediately after "June 30, 1975," the words "out of any moneys in the Treasury not otherwise appropriated,".

(d) Section 15 of such Act is further amended by inserting at the end thereof the following new subsection: 45 USC 231n.

"(h) There are hereby authorized to be appropriated from time to time such sums as may be necessary to provide for the expenses of the Board in administering the provisions of this Act." Appropriation authorization.

(e) The amendments made by this section shall be effective January 1, 1975. Effective date.

SEC. 202. (a) Section 204 of the Act entitled "An Act to amend the Railroad Retirement Act of 1937 to revise the retirement system for employees of employers covered thereunder, and for other purposes", approved October 16, 1974 (88 Stat. 1352), is amended by adding at the end thereof the following new subsection: Annuity eligibility. 45 USC 231 note.

"(c) An individual who was awarded an annuity under section 2(a) of the Railroad Retirement Act of 1937 shall not be entitled to an annuity amount computed under the provisions of section 3(c) of the Railroad Retirement Act of 1974: *Provided, however*, That the provisions of this subsection shall not be applicable (i) to an individual who will have rendered at least twelve months of service as an employee to an employer (as defined in the Railroad Retirement Act of 1974) after December 31, 1974, or (ii) to an individual who was awarded an annuity under section 2(a)4 or 2(a)5 of the Railroad Retirement Act of 1937 and who recovered from disability and returned to the service of an employer (as defined in the Railroad Retirement Act of 1974) after December 31, 1974.". 45 USC 228b. 45 USC 231b.

(b) The amendment made by this section shall be effective January 1, 1975. Effective date. 45 USC 231 note.

SEC. 203. (a) Section 1402(b) of the Internal Revenue Code of 1954 is amended by striking out ", but solely with respect to the tax imposed by section 1401(b)," from item (B) of the second sentence thereof. 26 USC 1402.

(b) Section 3231(e) of the Internal Revenue Code of 1954 is amended by striking out "$3" from the fifth sentence of paragraph (1) and inserting in lieu thereof "$25". 26 USC 3231.

(c) The amendments made by this section shall be effective January 1, 1975, and shall apply only with respect to compensation paid for services rendered on or after that date. Effective date. 26 USC 1402 note.

Approved August 9, 1975.

LEGISLATIVE HISTORY:

HOUSE REPORT No. 94-384 (Comm. on Interstate and Foreign Commerce).
CONGRESSIONAL RECORD, Vol. 121 (1975):
July 24, considered and passed House.
July 29, considered and passed Senate, amended.
July 30, House concurred in Senate amendment.

Public Law 94-93
94th Congress

An Act

Aug. 9, 1975
[H.R. 9091]

To provide that certain unemployment compensation funds may be used for repayable loans to the Virgin Islands.

Virgin Islands, repayable loans; railroad retirement payroll taxes.
Ante, p. 173.
26 USC 3304 note.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That appropriations provided for advances to the unemployment trust fund and other funds in the Second Supplemental Appropriations Act, 1975, shall also be available for repayable loans to the Virgin Islands, as authorized by title III of the Emergency Compensation and Special Unemployment Assistance Extension Act of 1975: *Provided*, That no loan may be made for any month beginning after June 30, 1976, and that the aggregate of such loans will not exceed $5,000,000.

TITLE II—AMENDMENTS TO THE RAILROAD RETIREMENT TAX ACT, AS AMENDED

26 USC 3201.

SEC. 201. Section 3201 of the Railroad Retirement Tax Act is amended by striking out "compensation paid to such employee" and inserting in lieu thereof "compensation paid in any calendar month to such employee".

26 USC 3211.

SEC. 202. Section 3211(a) of the Railroad Retirement Tax Act is amended by striking out "compensation paid to such employee representative" and inserting in lieu thereof "compensation paid in any calendar month to such employee representative".

26 USC 3221.

SEC. 203. Section 3221(a) of the Railroad Retirement Tax Act is amended by striking out "compensation paid by such employer" and inserting in lieu thereof "compensation paid in any calendar month by such employer".

"Compensation."
26 USC 3231.

SEC. 204. Section 3231(e)(1) of the Railroad Retirement Tax Act is amended by striking out the first sentence and inserting in lieu thereof:

"The term 'compensation' means any form of money remuneration paid to an individual for services rendered as an employee to one or more employers."

SEC. 205. Section 3231(e)(2) of the Railroad Retirement Tax Act is amended by striking out the first sentence thereof.

SEC. 206. Section 3231(e)(2) of the Railroad Retirement Tax Act is amended by adding as the first sentence thereof:

"An employee shall be deemed to be paid compensation in the period during which such compensation is earned only upon a written request by such employee, made within six months following the payment, and a showing that such compensation was earned during a period other than the period in which it was paid.".

SEC. 207. The amendments made by sections 201 through 205 of this title shall apply for taxable years ending on or after the date of the enactment of this Act and for taxable years ending before the date of the enactment of this Act as to which the period for assessment and collection of tax or the filing of a claim for credit or refund has not expired on the date of enactment of this Act. The amendment made by section 206 of this title shall apply for taxable years beginning on or after the date of enactment of this Act: *Provided, however,* That with respect to payment made prior to the date of enactment of this Act, the employee may file a written request under section 206 within six months after the enactment of this Act.

Effective dates. 26 USC 3201 note.

Approved August 9, 1975.

LEGISLATIVE HISTORY:

CONGRESSIONAL RECORD, Vol. 121 (1975):
Aug. 1, considered and passed House; considered and passed Senate, amended; House concurred in Senate amendment.

Public Law 94-94
94th Congress

An Act

Sept. 10, 1975
[H.R. 5901]

Making appropriations for the Education Division and related agencies, for the fiscal year ending June 30, 1976, and the period ending September 30, 1976, and for other purposes.

Education Division and Related Agencies Appropriation Act, 1976.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the following sums are appropriated, out of any money in the Treasury not otherwise appropriated, for the Education Division and related agencies, for the fiscal year ending June 30, 1976, and the period ending September 30, 1976, and for other purposes, namely:

TITLE I—EDUCATION DIVISION

Office of Education

ELEMENTARY AND SECONDARY EDUCATION

For carrying out, to the extent not otherwise provided, title I, part A ($2,023,981,000), title I, part B ($24,769,000), title IV, part C ($172,888,000), and title VII of the Elementary and Secondary Education Act ($97,770,000); title VII of the Education Amendments of 1974; the Environmental Education Act ($3,000,000); section 417(a)(2) of the General Education Provisions Act; part J of the Vocational Education Act; part IV of title III of the Communications Act of 1934; the Alcohol and Drug Abuse Education Act; and part B of the Headstart-Follow Through Act ($59,000,000), $2,414,158,000, of which $12,500,000 shall be for educational broadcasting facilities and shall remain available until expended: *Provided*, That of the amounts appropriated above the following amounts shall become available for obligation on July 1, 1976, and shall remain available until September 30, 1977: title I, part A ($2,023,981,000), title I, part B ($24,769,000), title IV, part C ($172,888,000) of the Elementary and Secondary Education Act and section 417(a)(2) of the General Education Provisions Act ($1,250,000): *Provided further*, That amounts appropriated for carrying out title I of the Elementary and Secondary Education Act in the fiscal year 1976, shall be available for carrying out section 822 of Public Law 93-380. For carrying out title IV of the Elementary and Secondary Education Act an additional $11,633,852 for fiscal year 1977: *Provided*, That none of such funds may be paid to any State for which the allocation for fiscal year 1977 exceeds the allocation for comparable purposes for fiscal year 1974.

20 USC 241c, 241d, 1831, 880b.
20 USC 1901; 20 USC 1531 note.
20 USC 1226c.
20 USC 1393.
47 USC 390.
21 USC 1001 note.
42 USC 2929.
20 USC 241a.
20 USC 241c note.
20 USC 1801.

SCHOOL ASSISTANCE IN FEDERALLY AFFECTED AREAS

For carrying out title I of the Act of September 30, 1950, as amended (20 U.S.C., ch. 13), $660,000,000 of which $46,000,000 shall be for payments under section 6, $603,000,000 shall be for payments under sections 2, 3, and 4 in accordance with subsection 5(c) of said Act, and $11,000,000 shall be for payments under subparagraphs (B) and (C) of section 305 of the Education Amendments of 1974. For carrying out the Act of September 23, 1950, as amended (20 U.S.C., ch. 19),

20 USC 236 *et seq.*
20 USC 241.
20 USC 237, 238, 239, 240.
20 USC 238.
20 USC 631 *et seq.*

$20,000,000, which shall remain available until expended, shall be for providing school facilities as authorized by said Act of September 23, 1950: *Provided*, That, with the exception of up to $5,000,000 for repairs for facilities constructed under section 10, none of the funds contained herein for providing school facilities shall be available to pay for any other section of the Act of September 23, 1950, until payment has been made of 100 per centum of the amounts payable under section 5 and subsections 14(a) and 14(b): *Provided further*, That of the funds provided herein for carrying out the Act of September 23, 1950, no more than 47.5 per centum may be used to fund section 5 of said Act: *Provided further*, That the Commissioner of Education is hereby authorized to provide amounts necessary to meet the costs of providing increased school facilities in communities located near the Trident Support Site, Bangor, Washington; notwithstanding section 421A (c)(2)(A) of the General Education Provisions Act, the Commissioner is authorized to approve applications for funds for this purpose on such terms and conditions as he may reasonably require without regard to any provision in law. For "School assistance in federally affected areas" for the period July 1, 1976, through September 30, 1976, $70,000,000.

20 USC 640.

20 USC 635, 644.

20 USC 1231.

EMERGENCY SCHOOL AID

For carrying out title IV of the Civil Rights Act of 1964 and the Emergency School Aid Act, $241,700,000. For carrying out title IV of the Civil Rights Act of 1964 and the Emergency School Aid Act, for the period July 1, 1976, through September 30, 1976, $325,000.

42 USC 2000c. 20 USC 1601 note.

EDUCATION FOR THE HANDICAPPED

For carrying out, to the extent not otherwise provided, the Education of the Handicapped Act, $236,375,000: *Provided*, That of this amount, $110,000,000 for part B shall become available for obligation on July 1, 1976, and shall remain available until September 30, 1977. For "Education for the handicapped" for the period July 1, 1976, through September 30, 1976, $10,500,000.

20 USC 1401 note.

OCCUPATIONAL, VOCATIONAL, AND ADULT EDUCATION

For carrying out, to the extent not otherwise provided, section 102 (b) ($20,000,000), parts B and C ($433,529,100), D, F ($40,994,000), G ($19,500,000), H ($9,849,000) and I of the Vocational Education Act of 1963, as amended (20 U.S.C. 1241–1391), and parts B–1, D, and F of the Education Professions Development Act, and the Adult Education Act of 1966, $669,650,100, including $16,000,000 for exemplary programs under part D of said 1963 Act of which 50 per centum shall remain available until expended and 50 per centum shall remain available through June 30, 1977, and not to exceed $18,000,000 for research and training under part C of said 1963 Act: *Provided*, That of this amount $71,500,000 for the Adult Education Act shall become available for obligation on July 1, 1976, and shall remain available until September 30, 1977. For "Occupational, vocational, and adult education" for the period July 1, 1976, through September 30, 1976, $151,000,000.

20 USC 1101, 1119, 1119c. 20 USC 1201 note. 20 USC 1301. 20 USC 1281.

HIGHER EDUCATION

For carrying out, to the extent not otherwise provided, titles I, III, IV, and parts A, B, C, and D of title IX and section 1203 of the Higher Education Act, the Emergency Insured Student Loan Act of 1969,

20 USC 1001, 1051, 1070, 1134, 1134d, 1134i, 1134n, 1142b.

20 USC 1078a note. 20 USC 427, 511. 22 USC 2451 note. 20 USC 1230. 20 USC 900. 86 Stat. 907.

as amended, section 207 and title VI of the National Defense Education Act, the Mutual Educational and Cultural Exchange Act of 1961, section 22 of the Act of June 29, 1935, as amended (7 U.S.C. 329), section 421 of the General Education Provisions Act, title IX of the Elementary and Secondary Education Act, and Public Law 92-506, $2,439,309,000, of which $240,093,000 for supplemental educational opportunity grants and amounts available for work-study grants and for incentive grants shall remain available through September 30, 1977, $23,750,000 shall be for veterans cost-of-instruction payments to institutions of higher education, $715,000,000 shall be for basic opportunity grants (including not to exceed $11,500,000 for administrative expenses) of which $703,500,000 shall remain available through September 30, 1977, and $452,000,000 for subsidies on guaranteed student loans shall remain available until expended. For "Higher education" for the period July 1, 1976, through September 30, 1976, $124,000,000, to remain available until expended.

LIBRARY RESOURCES

20 USC 352, 355e. 20 USC 1021, 1121. 20 USC 1821.

For carrying out, to the extent not otherwise provided, titles I ($49,155,000) and III ($2,594,000) of the Library Services and Construction Act (20 U.S.C., ch. 16); titles II and VI ($7,500,000) of the Higher Education Act; and title IV, part B ($147,330,000) of the Elementary and Secondary Education Act, $218,054,000: *Provided*, That the amount appropriated above for title IV, part B of the Elementary and Secondary Education Act shall become available for obligation on July 1, 1976, and shall remain available until September 30, 1977.

INNOVATIVE AND EXPERIMENTAL PROGRAMS

20 USC 1851 note.

For carrying out the Special Projects Act (Public Law 93-380), $36,893,000.

EDUCATIONAL ACTIVITIES OVERSEAS (SPECIAL FOREIGN CURRENCY PROGRAM)

For payments in foreign currencies which the Treasury Department determines to be excess to the normal requirements of the United States, for necessary expenses of the Office of Education, as authorized by law, $2,000,000, to remain available until expended: *Provided*, That this appropriation shall be available, in addition to other appropriations to such office, for payments in the foregoing currencies.

For "Educational activities overseas (special foreign currency program)" for the period July 1, 1976, through September 30, 1976, $200,000, to remain available until expended.

SALARIES AND EXPENSES

20 USC 1221. 20 USC 821 note.

For carrying out, to the extent not otherwise provided, the General Education Provisions Act, and the Education Amendments of 1974, including rental of conference rooms in the District of Columbia, $105,224,000.

For "Salaries and expenses" for the period July 1, 1976, through September 30, 1976, $24,643,000.

STUDENT LOAN INSURANCE FUND

20 USC 1001 note.

For the Student Loan Insurance Fund authorized by the Higher Education Act of 1965, $201,787,000, to remain available until expended.

For the "Student Loan Insurance Fund" for the period July 1, 1976, through September 30, 1976, $30,000,000, to remain available until expended.

HIGHER EDUCATION FACILITIES LOAN AND INSURANCE FUND

For the payment of such insufficiencies as may be required by the trustee on account of outstanding beneficial interest or participations in assets of the Office of Education authorized by the Department of Health, Education, and Welfare Appropriation Act, 1968, to be issued pursuant to section 302(c) of the Federal National Mortgage Association Charter Act (12 U.S.C. 1717(c)), $2,192,000, to remain available until expended, and the Secretary is hereby authorized to make such expenditures, within the limits of funds available in the Higher Education Facilities Loan and Insurance Fund, and in accord with law, and to make such contracts and commitments without regard to fiscal year limitation as provided by section 104 of the Government Corporation Control Act (31 U.S.C. 849) as may be necessary in carrying out the program set forth in the budget for the current fiscal year for such fund. 81 Stat. 386.

For "Higher Education Facilities Loan and Insurance Fund" for the period July 1, 1976, through September 30, 1976, for the payment of such insufficiencies as may be required by the trustee on account of outstanding beneficial interest or participations in assets of the Office of Education authorized by the Department of Health, Education, and Welfare Appropriation Act, 1968, to be issued pursuant to section 302(c) of the Federal National Mortgage Association Charter Act (12 U.S.C. 1717(c)), $548,000, to remain available until expended, and the Secretary is hereby authorized to make such expenditures, within the limits of funds available in the Higher Education Facilities Loan and Insurance Fund, and in accord with law, and to make such contracts and commitments without regard to fiscal year limitation as provided by section 104 of the Government Corporation Control Act (31 U.S.C. 849) as may be necessary in carrying out the program for the current fiscal period for such fund.

NATIONAL INSTITUTE OF EDUCATION

NATIONAL INSTITUTE OF EDUCATION

For carrying out section 405 of the General Education Provisions Act, including rental of conference rooms in the District of Columbia, $70,000,000, of which up to $30,000,000 shall be made available by the Institute to the educational laboratories and research and development centers: *Provided*, That none of the funds appropriated under this heading may be used to award a grant or contract to any educational laboratory, research and development center, or any other project if any employee of said laboratory, center, or project is compensated, directly or indirectly, in whole or in part from Federal funds at an annual salary in excess of the salary paid to the U.S. Commissioner of Education or the Director of the National Institute of Education. 20 USC 1221e.

For "National Institute of Education" for the period July 1, 1976, through September 30, 1976, $20,000,000.

OFFICE OF THE ASSISTANT SECRETARY FOR EDUCATION

SALARIES AND EXPENSES

20 USC 1221b, 1221d, 1221e-1.

For necessary expenses to carry out sections 402, 404, and 406 of the General Education Provisions Act, $32,500,000, of which not to exceed $1,500 may be for official reception and representation expenses.

For "Salaries and expenses" for the period July 1, 1976, through September 30, 1976, $5,599,000, of which not to exceed $400 may be for official reception and representation expenses.

TITLE II—RELATED AGENCIES

AMERICAN PRINTING HOUSE FOR THE BLIND

For carrying out the Act of March 3, 1879, as amended (20 U.S.C. 101–105), $2,408,000.

For "American Printing House for the Blind" for the period July 1, 1976, through September 30, 1976, $602,000.

NATIONAL TECHNICAL INSTITUTE FOR THE DEAF

For carrying out the National Technical Institute for the Deaf Act (20 U.S.C. 681, et seq.), $9,836,000.

For "National Technical Institute for the Deaf" for the period July 1, 1976, through September 30, 1976, $2,932,000.

GALLAUDET COLLEGE

68 Stat. 265.

For carrying out the Model Secondary School for the Deaf Act (80 Stat. 1027) and for the partial support of Gallaudet College authorized by the Act of June 18, 1954, $22,435,000, of which $2,255,000 shall be for construction and shall remain available until expended: *Provided*, That if requested by the college, such construction shall be supervised by the General Services Administration.

For "Gallaudet College" for the period July 1, 1976, through September 30, 1976, $5,606,000.

HOWARD UNIVERSITY

For the partial support of Howard University, $84,158,000, of which $10,000,000 shall be for construction and shall remain available until expended: *Provided*, That if requested by the university, such construction shall be supervised by the General Services Administration.

For "Howard University" for the period July 1, 1976, through September 30, 1976, $18,728,000.

TITLE III—GENERAL PROVISIONS

Experts and consultants.

5 USC 5332 note.

SEC. 301. Appropriations contained in this Act, available for salaries and expenses, shall be available for services as authorized by 5 U.S.C. 3109 but at rates for individuals not to exceed the per diem rate equivalent to the rate for GS–18.

SEC. 302. Appropriations contained in this Act available for salaries and expenses shall be available for expenses of attendance at meetings which are concerned with the functions or activities for which the appropriation is made or which will contribute to improved conduct, supervision, or management of those functions or activities.

Fiscal year limitation.

SEC. 303. No part of any appropriation contained in this Act shall remain available for obligation beyond the current fiscal year unless expressly so provided herein except as provided in section 204 of Public Law 93-554.

88 Stat. 1784.

Restrictions.

SEC. 304. No part of any appropriation contained in this Act shall be used to finance any Civil Service Interagency Board of Examiners.

SEC. 305. No part of the funds appropriated under this Act shall be used to provide a loan, guarantee of a loan, a grant, the salary of or any remuneration whatever to any individual applying for admission, attending, employed by, teaching at, or doing research at an institution of higher education who has engaged in conduct on or after August 1, 1969, which involves the use of (or the assistance to others in the use of) force or the threat of force or the seizure of property under the control of an institution of higher education, to require or prevent the availability of certain curriculum, or to prevent the faculty, administrative officials, or students in such institution from engaging in their duties or pursuing their studies at such institution.

Transfer of funds.

SEC. 306. The Secretary of Health, Education, and Welfare is authorized to transfer unexpended balances of prior appropriations to accounts corresponding to current appropriations provided in this Act: *Provided*, That such transferred balances are used for the same purpose, and for the same periods of time, for which they were originally appropriated.

Fiscal year limitation.

Report to Congress.

SEC. 307. Funds contained in this Act used to pay for contract services by profitmaking consultant firms or to support consultant appointments shall not exceed the fiscal year 1973 level: *Provided*, That obligations made from funds contained in this Act for consultant fees and services to any individual or group of consulting firms on any one project in excess of $25,000 shall be reported to the Senate and House of Representatives at least twice annually.

Funds restriction.

SEC. 308. No part of any appropriation contained in this Act shall be used, other than for normal and recognized executive-legislative relationships, for publicity or propaganda purposes, for the preparation, distribution, or use of any kit, pamphlet, booklet, publication, radio, television or film presentation designed to support or defeat legislation pending before the Congress, except in presentation to the Congress itself.

Standard level user charges, limitation.

40 USC 490.

SEC. 309. No part of any appropriation contained in this Act shall be available for paying to the Administrator of the General Services Administration in excess of 90 percent of the standard level user charge established pursuant to section 210(j) of the Federal Property and Administrative Services Act of 1949, as amended, for space and services.

SEC. 310. None of the funds provided herein shall be used to pay any recipient of a grant for the conduct of a research project an amount equal to as much as the entire cost of such project.

Research grants.

SEC. 311. None of the funds contained in this Act shall be used for any activity the purpose of which is to require any recipient of any project grant for research, training, or demonstration made by any

officer or employee of the Department of Health, Education, and Welfare to pay to the United States any portion of any interest or other income earned on payments of such grant made before July 1, 1964; nor shall any of the funds contained in this Act be used for any activity the purpose of which is to require payment to the United States of any portion of any interest or other income earned on payments made before July 1, 1964, to the American Printing House for the Blind.

Audit.

SEC. 312. Funds appropriated in this Act to the American Printing House for the Blind, Howard University, the National Technical Institute for the Deaf, and Gallaudet College shall be awarded to these institutions in the form of lump-sum grants and expenditures made therefrom shall be subject to audit by the Secretary of Health, Education, and Welfare.

Federal positions in Washington area.

SEC. 313. None of the funds contained in this Act shall be available for additional permanent Federal positions in the Washington area if the proportion of additional positions in the Washington area in relation to the total new positions is allowed to exceed the proportion existing at the close of fiscal year 1966.

Forced student busing.
42 USC 2000c.

SEC. 314. No part of the funds contained in this Act may be used to force any school or school district which is desegregated as that term is defined in title IV of the Civil Rights Act of 1964, Public Law 88-352, to take any action to force the busing of students; to force on account of race, creed, or color the abolishment of any school so desegregated; or to force the transfer or assignment of any student attending any elementary or secondary school so desegregated to or from a particular school over the protest of his or her parents or parent.

SEC. 315. (a) No part of the funds contained in this Act shall be used to force any school or school district which is desegregated as that term is defined in title IV of the Civil Rights Act of 1964, Public Law 88-352, to take any action to force the busing of students; to require the abolishment of any school so desegregated; or to force on account of race, creed, or color the transfer of students to or from a particular school so desegregated as a condition precedent to obtaining Federal funds otherwise available to any State, school district, or school.

(b) No funds appropriated in this Act may be used for the transportation of students or teachers (or for the purchase of equipment for such transportation) in order to overcome racial imbalance in any school or school system, or for the transportation of students or teachers (or for the purchase of equipment for such transportation) in order to carry out a plan of racial desegregation of any school or school system.

Short title.

This Act may be cited as the "Education Division and Related Agencies Appropriation Act, 1976".

CARL ALBERT
Speaker of the House of Representatives.

RICHARD (DICK) STONE
Acting President of the Senate pro tempore.

IN THE HOUSE OF REPRESENTATIVES, U.S.,
September 9, 1975.

The House of Representatives having proceeded to reconsider the bill (H.R. 5901) entitled "An Act making appropriations for the Education Division and related agencies, for the fiscal year ending June 30, 1976, and the period ending September 30, 1976, and for other purposes", returned by the President of the United States with his objections, to the House of Representatives, in which it originated, it was

Resolved, That the said bill pass, two-thirds of the House of Representatives agreeing to pass the same.

Attest:

W. PAT JENNINGS
Clerk.

By Benjamin J. Guthrie
Assistant to the Clerk.

I certify that this Act originated in the House of Representatives.
W. PAT JENNINGS
Clerk.

IN THE SENATE OF THE UNITED STATES,
September 10, 1975.

The Senate having proceeded to reconsider the bill (H.R. 5901) entitled "An Act making appropriations for the Education Division and related agencies, for the fiscal year ending June 30, 1976, and the period ending September 30, 1976, and for other purposes", returned by the President of the United States with his objections to the House of Representatives, in which it originated, it was

Resolved, That the said bill pass, two-thirds of the Senators present having voted in the affirmative.

Attest:

FRANCIS R. VALEO
Secretary.

LEGISLATIVE HISTORY:

HOUSE REPORTS: No. 94–142 (Comm. on Appropriations)
and No. 94–347 (Comm. of Conference).
SENATE REPORT No. 94–198 (Comm. on Appropriations).
CONGRESSIONAL RECORD, Vol. 121 (1975):
Apr. 16, July 16, 18, considered and passed House.
June 27, July 17, considered and passed Senate.
WEEKLY COMPILATION OF PRESIDENTIAL DOCUMENTS, Vol. 11, No. 30:
July 25, vetoed; Presidential message.
CONGRESSIONAL RECORD, Vol. 121 (1975):
Sept. 9, House overrode veto.
Sept. 10, Senate overrode veto.

Public Law 94–95
94th Congress

Joint Resolution

Authorizing and requesting the President to issue a proclamation designating Sunday, September 14, 1975, as "National Saint Elizabeth Seton Day".

Sept. 11, 1975
[S.J. Res. 125]

Whereas Elizabeth Seton, who was born in New York City on August 28, 1774, and who died in Emmitsburg, Maryland, on January 8, 1821, who was the founder of the first religious order for women in the United States and who also established the first Catholic parish school in the United States, will be canonized and proclaimed to be a saint on September 14, 1975, at official ceremonies in Saint Peter's Basilica in Rome, thus becoming the first person born in what is now the United States to be so recognized; and

Whereas Elizabeth Seton, who will then be known as Saint Elizabeth Seton, through her own life and work and through the work of thousands of women who traced the origins of their religious foundations to her founding of the Sisters of Charity of Saint Joseph of Emmitsburg, Maryland, on July 31, 1809, made an extraordinary contribution to the religious and moral life of our country as well as to the education, health, and welfare of vast numbers of our citizens: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the President is authorized and requested to issue a proclamation designating Sunday, September 14, 1975, as "National Saint Elizabeth Seton Day" and calling upon the people of the United States and interested groups and organizations to observe that day with appropriate ceremonies and activities.

National Saint Elizabeth Seton Day. Designation authorization.

Approved September 11, 1975.

LEGISLATIVE HISTORY:

HOUSE REPORT No. 94–458 accompanying H.J. Res. 597 (Comm. on Post Office and Civil Service).

CONGRESSIONAL RECORD, Vol. 121 (1975):
Sept. 8, considered and passed Senate.
Sept. 9, considered and passed House, in lieu of H.J. Res. 597.

Public Law 94-96
94th Congress

Joint Resolution

Sept. 18, 1975
[S.J. Res. 34]

Asking the President of the United States to declare the fourth Saturday of September 1975 as "National Hunting and Fishing Day".

Whereas in the congestion and the complexities, the tensions and frustrations of today's life, the need for outdoor recreation—the opportunity to "get away from it all"—has become of crucial importance; and

Whereas there are few pursuits providing a better chance for healthy exercise, peaceful solitude, and appreciation of the great outdoors than hunting and fishing; and

Whereas this is evident in the fact that more than fifteen million hunting licenses and twenty-four million fishing licenses were issued in 1970; and

Whereas this income provides a rich source of funds for fish and wildlife conservation and management and for the salvation, preservation, and propagation of vanishing species; and

Whereas hunters and anglers traditionally have led in the effort to preserve our natural resources; and

Whereas outdoor sportsmen also have led in the promotion of proper respect for private as well as public property, of courtesy in the field and forest, and in boating and firearm safety programs; and

Whereas there is no present national recognition of the many and worthwhile contributions of the American hunter and angler: Now, therefore, be it

National Hunting and Fishing Day. Designation authorization.

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the President of the United States declare the fourth Saturday of September 1975, as "National Hunting and Fishing Day" to provide that deserved national recognition, to recognize the esthetic, health, and recreational virtues of hunting and fishing, to dramatize the continued need for gun and boat safety, and to rededicate ourselves to the conservation and respectful use of our wildlife and natural resources.

Approved September 18, 1975.

LEGISLATIVE HISTORY:

HOUSE REPORT No. 94-457 accompanying H.J. Res. 209 (Comm. on Post Office and Civil Service).
SENATE REPORT No. 94-109 (Comm. on the Judiciary).
CONGRESSIONAL RECORD, Vol. 121 (1975):
May 8, considered and passed Senate.
Sept. 9, considered and passed House, in lieu of H.J. Res. 209.

Public Law 94–97
94th Congress

An Act

To redesignate November 11 of each year as Veterans Day and to make such day a legal public holiday.

Sept. 18, 1975
[S. 331]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, effective January 1, 1978, section 6103(a) of title 5, United States Code, is amended by striking out—

"Veterans Day, the fourth Monday in October."

and inserting in lieu thereof—

"Veterans Day, November 11.".

Veterans Day.
Redesignation.

Approved September 18, 1975.

LEGISLATIVE HISTORY:

HOUSE REPORT No. 94–451 (Comm. on Post Office and Civil Service).
SENATE REPORT No. 94–34 (Comm. on the Judiciary).
CONGRESSIONAL RECORD, Vol. 121 (1975):
Mar. 13, considered and passed Senate.
Sept. 9, considered and passed House.
WEEKLY COMPILATION OF PRESIDENTIAL DOCUMENTS, Vol. 11, No. 39:
Sept. 20, Presidential statement.

Public Law 94–98
94th Congress

An Act

Sept. 19, 1975
[S. 907]

To authorize the Smithsonian Institution to plan museum support facilities.

Smithsonian Institution. Museum support facilities, plans. 20 USC 50 note.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, The Regents of the Smithsonian Institution are authorized to prepare plans for museum support facilities to be used for (1) the care, curation, conservation, deposit, preparation, and study of the national collections of scientific, historic, and artistic objects, specimens, and artifacts; (2) the related documentation of such collections of the Smithsonian Institution; and (3) the training of museum conservators.

Land transfer.

SEC. 2. The museum support facilities referred to in section 1 shall be located on federally owned land within the metropolitan area of Washington, District of Columbia. Any Federal agency is authorized to transfer land under its jurisdiction to the Smithsonian Institution for such purposes without reimbursement.

Appropriation authorization.

SEC. 3. There are hereby authorized to be appropriated to the Smithsonian Institution such sums as may be necessary to accomplish the purposes of this Act.

Approved September 19, 1975.

LEGISLATIVE HISTORY:

HOUSE REPORT No. 94–258 accompanying H.R. 5328 (Comm. on House Administration).
SENATE REPORT No. 94–298 (Comm. on Rules and Administration).
CONGRESSIONAL RECORD, Vol. 121 (1975):
July 25, considered and passed Senate
Sept. 3, considered and passed House, amended, in lieu of H.R. 5328.
Sept. 8, Senate concurred in House amendment.
WEEKLY COMPILATION OF PRESIDENTIAL DOCUMENTS, Vol. 11, No. 39:
Sept. 20, Presidential statement.

Public Law 94-99
94th Congress

An Act

To extend the Emergency Petroleum Allocation Act of 1973.

Sept. 29, 1975
[H.R. 9524]

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

Emergency Petroleum Allocation Act of 1975.

SHORT TITLE

SECTION 1. This Act may be cited as the "Emergency Petroleum Allocation Act of 1975". 15 USC 751 note.

EXTENSION OF MANDATORY ALLOCATION PROGRAM

SEC. 2. Section 4(g)(1) of the Emergency Petroleum Allocation Act of 1973 is amended by striking out "August 31, 1975," wherever it appears and inserting in lieu thereof "November 15, 1975,". 15 USC 753.

SEC. 3. It is the intent of the Congress that the regulations promulgated under the Emergency Petroleum Allocation Act of 1973 shall be effective for the period between August 31, 1975, and the date of enactment of this Act. Effective date. 15 USC 753 note. 15 USC 751 note.

SEC. 4. The purpose of this limited extension of the Emergency Petroleum Allocation Act is to provide Congress and the Executive adequate time and opportunity to reach mutual agreement on a long-term petroleum pricing policy. During the period of this extension it is the intent of the Congress that the status quo shall be maintained and the President shall institute no major change in petroleum pricing policy under section 4(g)(2) of the Act prior to November 1, 1975. Any adjustment the President may make in price shall be in accord with his policy on inflation impact statements and economic justification set forth in Executive Order Numbered 11821 and in Circular Numbered A-107, January 28, 1975, Office of Management and Budget. 15 USC 753 note. 12 USC 1904 note.

SEC. 5. Any Senate resolution to disapprove a Presidential decontrol proposal submitted under section 4(g)(2) shall be immediately placed upon the Senate legislative calendar and any motion by the Majority Leader or his designee thereafter to proceed to the consideration of such disapproval resolution shall be decided without debate and by majority vote; and within forty-eight hours after the disapproval resolution is made the pending business or sooner if 15 USC 753 note.

otherwise ordered by the Senate, the Chair shall direct the Clerk to call the roll on the final disposition of the disapproval resolution without any further debate or intervening motion, any other rule or provision of law notwithstanding.

Approved September 29, 1975.

LEGISLATIVE HISTORY:

CONGRESSIONAL RECORD, Vol. 121 (1975):
Sept. 11, considered and passed House.
Sept. 11, 26, considered and passed Senate, amended, in lieu of S. 2299.
Sept. 26, House concurred in Senate amendment.
WEEKLY COMPILATION OF PRESIDENTIAL DOCUMENTS, Vol. 11, No. 40:
Sept. 29, Presidential statement.

Public Law 94-100
94th Congress

Joint Resolution

To extend by two months the expiration date of the Defense Production Act of 1950 and to extend the funding of the National Commission on Productivity and Work Quality for two months.

Oct. 1, 1975
[H.J. Res. 672]

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the first sentence of section 717(a) of the Defense Production Act of 1950 is amended by striking out "September 30, 1975" and inserting in lieu thereof "November 30, 1975".

Defense Production Act of 1950, amendment.
Ante, p. 232.
50 USC app. 2166.

SEC. 2. The last sentence of subsection (j) of Public Law 93-311 is amended by striking out "September 30, 1975" and inserting in lieu thereof "November 30, 1975".

National Commission on Productivity and Work Quality.
Ante, p. 232.
15 USC 1026.

Approved October 1, 1975.

LEGISLATIVE HISTORY:

CONGRESSIONAL RECORD, Vol. 121 (1975):
Sept. 29, considered and passed House.
Sept. 30, considered and passed Senate.

Public Law 94-101
94th Congress

An Act

Oct. 2, 1975
[S. 2270]

To authorize an increase in the monetary authorization for certain comprehensive river basin plans previously approved by the Congress, and for other purposes.

River basin plans.
Appropriation authorization.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) in addition to previous authorizations, there is hereby authorized to be appropriated for the prosecution of the comprehensive plan of development of each river basin under the jurisdiction of the Secretary of the Army referred to in the first column below, which was basically authorized by the Act referred to by the date of enactment in the second column below, an amount not to exceed that shown opposite such river basin in the third column below:

Basin	Date	Amount
Arkansas River Basin	June 28, 1938	$4,000,000
Mississippi River and Tributaries	May 15, 1928	158,000,000
North Branch Susquehanna River Basin	July 3, 1958	22,000,000
Santa Ana River Basin	June 22, 1936	2,000,000

(b) The total amount authorized to be appropriated by this section shall not exceed $186,000,000.

Approved October 2, 1975.

LEGISLATIVE HISTORY:

HOUSE REPORT No. 94-440 accompanying H.R. 8757 (Comm. on Public Works and Transportation).
SENATE REPORT No. 94-362 (Comm. on Public Works).
CONGRESSIONAL RECORD, Vol. 121 (1975):
Sept. 4, considered and passed Senate.
Sept. 19, considered and passed House, in lieu of H.R. 8757.

Public Law 94-102
94th Congress

An Act

To expand coverage of the Rehabilitation and Betterment Act (Act of October 7, 1949, 63 Stat. 724).

Oct. 3, 1975
[H.R. 543]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the first sentence of the Act entitled "An Act to provide for the return of rehabilitation betterment costs of Federal reclamation projects", approved October 7, 1949, is amended to read as follows: "Expenditures of funds hereafter specifically appropriated for rehabilitation and betterment of any project constructed under authority of the Small Reclamation Projects Act (Act of August 6, 1956, 70 Stat. 1044, and Acts amendatory thereof and supplementary thereto) and of irrigation systems on projects governed by the Federal reclamation laws (Act of June 17, 1902, 32 Stat. 388, and Acts amendatory thereof or supplementary thereto), shall be made only after the organizations concerned shall have obligated themselves for the return thereof, in installments fixed in accordance with their ability to pay, as determined by the Secretary of the Interior in the light of their outstanding repayment obligations, and which shall, to the fullest practicable extent, be scheduled for return with their construction charge installments or otherwise scheduled as he shall determine: *Provided*, That repayment of such loans made for small reclamation projects shall include interest in accordance with the provisions of said Small Reclamation Projects Act.".

Federal reclamation projects.
Rehabilitation and betterment loans.
43 USC 504.
43 USC 422k.

43 USC 391 note.

Approved October 3, 1975.

LEGISLATIVE HISTORY:

HOUSE REPORT No. 94-102 (Comm. on Interior and Insular Affairs).
SENATE REPORT No. 94-380 (Comm. on Interior and Insular Affairs).
CONGRESSIONAL RECORD, Vol. 121 (1975):
Apr. 8, considered and passed House.
Sept. 22, considered and passed Senate.

Public Law 94-103
94th Congress

An Act

Oct. 4, 1975
[H.R. 4005]

To amend the Developmental Disabilities Services and Facilities Construction Act to revise and extend the programs authorized by that Act.

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

Developmentally Disabled Assistance and Bill of Rights Act.

SHORT TITLE

42 USC 6001 note.

SECTION 1. This Act may be cited as the "Developmentally Disabled Assistance and Bill of Rights Act".

TITLE I—EXTENSION AND REVISION OF THE DEVELOPMENTAL DISABILITIES SERVICES AND FACILITIES CONSTRUCTION ACT

PART A—ONE-YEAR EXTENSION OF EXISTING AUTHORITIES

EXTENSION OF EXISTING AUTHORITIES THROUGH FISCAL YEAR 1975

42 USC 2661a.
Post, p. 489.

SEC. 101. (a) Section 122(b) and 131 of the Developmental Disabilities Services and Facilities Construction Act (hereinafter in this Act referred to as the "Act") are each amended by striking out "for the fiscal year ending June 30, 1974" and inserting in lieu thereof "each for the fiscal years ending June 30, 1974, and June 30, 1975".

Post, p. 492.

(b) Section 137(b)(1) of the Act is amended by striking out "and June 30, 1974" and inserting in lieu thereof ", June 30, 1974, and June 30, 1975".

PART B—REVISION OF ASSISTANCE FOR UNIVERSITY AFFILIATED FACILITIES

UNIVERSITY AFFILIATED FACILITIES

SEC. 105. Part B of the Act is amended to read as follows:

"PART B—UNIVERSITY AFFILIATED FACILITIES

"Subpart 1—Demonstration and Training Grants

"GRANT AUTHORITY

42 USC 6031.

"SEC. 121. (a)(1) From appropriations under section 123, the Secretary shall make grants to university affiliated facilities to assist them in meeting the cost of administering and operating—

"(A) demonstration facilities for the provision of services for persons with developmental disabilities, and

"(B) interdisciplinary training programs for personnel needed to render specialized services for persons with developmental disabilities.

Satellite centers.

"(2) A university affiliated facility which has received a grant under paragraph (1) may apply to the Secretary for an increase in the amount of its grant under such paragraph to assist it in meeting the cost of conducting a feasibility study of the ways in which it, singly or jointly with other university affiliated facilities which have received a grant under paragraph (1), can establish and operate one or more satellite centers which would be located in areas not served by a university affiliated facility and which would provide, in coordination with demonstration facilities and training programs for which a

grant was made under paragraph (1), services for persons with developmental disabilities. If the Secretary approves an application of a university affiliated facility under this paragraph for such a study, the Secretary may for such study increase the amount of the facility's grant under paragraph (1) by an amount not to exceed $25,000. Such a study shall be carried out in consultation with the State Planning Council for the State in which the facility is located and where the satellite center would be established.

"(b) The Secretary may make grants to pay part of the costs of establishing satellite centers and may make grants to satellite centers to pay part of their administration and operation costs. The Secretary may approve an application for a grant under this subsection only if the feasibility of establishing or operating the satellite center for which the grant is applied for has been established by a study assisted under subsection (a)(2).

"APPLICATIONS

"SEC. 122. (a) No grant may be made under section 121 unless an application therefor is submitted to and approved by the Secretary. Such an application shall be submitted in such form and manner, and contain such information, as the Secretary may require. Such an application may be approved by the Secretary only if the application contains or is supported by reasonable assurances that the making of the grant applied for will not result in any decrease in the level of State, local, and other non-Federal funds for services for persons with developmental disabilities and training of persons to provide such services which funds would (except for such grant) be available to the applicant, but that such grant will be used to supplement, and, to the extent practicable, to increase the level of such funds. 42 USC 6032.

"(b) The Secretary shall give special consideration to applications for grants under section 121(a) for programs which demonstrate an ability and commitment to provide within a community rather than in an institution services for persons with developmental disabilities.

"AUTHORIZATION OF APPROPRIATIONS

"SEC. 123. (a) For the purpose of making grants under section 121 there are authorized to be appropriated $15,000,000 for fiscal year 1976, $18,000,000 for fiscal year 1977, and $21,000,000 for fiscal year 1978. 42 USC 6033.

"(b)(1) Of the sums appropriated under subsection (a) for fiscal years 1976 and 1977, not less than $5,000,000 shall be made available for grants in each such fiscal year under section 121(a)(1). The remainder of the sums appropriated for such fiscal years shall be made available as follows:

"(A) First, $750,000 shall be made available in each such fiscal year for studies described in section 121(a)(2). The portion of such $750,000 not required for such studies shall be made available for grants under section 121(a)(1).

"(B) Second, any remaining sums shall be made available as the Secretary determines except that at least 40 per centum of such sums shall be made available for grants under section 121(b).

"(2) Of the sums appropriated under subsection (a) for fiscal year 1978, not less than $5,500,000 shall be made available for grants in such

fiscal year under section 121(a)(1). The remainder of the sums appropriated for such fiscal year shall be made available as the Secretary determines except that at least 40 per centum of the remainder shall be made available for grants under section 121(b).

"Subpart 2—Construction

"PROJECTS AUTHORIZED

42 USC 6041.

"SEC. 125. The Secretary may make grants—

"(1) to university-affiliated facilities to assist them in meeting the costs of the renovation or modernization of buildings which are being used in connection with an activity assisted by a grant under section 121(a); and

"(2) to university-affiliated facilities for the construction, renovation, or modernization of buildings to be used as satellite centers.

"APPLICATIONS

42 USC 6042.

"SEC. 126. No grant may be made under section 125 unless an application therefor is submitted to and approved by the Secretary. Such an application shall be submitted in such form and manner, and contain such information, as the Secretary may require. Such an application may be approved by the Secretary only if it contains or is supported by reasonable assurances that—

"(1) the plans and specifications for the project to be assisted by the grant applied for are in accord with regulations prescribed by the Secretary under section 109;

Post, p. 500.

"(2) title to the site for such project is or will be vested in the applicant or in the case of a grant for a satellite center, in a public or other nonprofit entity which is to operate the center;

Financial support.

"(3) adequate financial support will be available for completion of the construction, renovation, or modernization of the project and for its maintenance and operation when completed;

Rates of pay.

"(4) all laborers and mechanics employed by contractors or subcontractors in the performance of work on the project will be paid at rates not less than those prevailing on similar construction in the locality as determined by the Secretary of Labor in accordance with the Act of March 3, 1931 (40 U.S.C. 276a—276a-5, known as the Davis-Bacon Act); and the Secretary of Labor shall have with respect to the labor standards specified in this paragraph the authority and functions set forth in Reorganization Plan Numbered 14 of 1950 (15 F.R. 3176; 5 U.S.C. Appendix) and section 2 of the Act of June 13, 1934 (40 U.S.C. 267c); and

40 USC 276a note.

Construction standards.

"(5) the building which will be constructed, renovated, or modernized with the grant applied for will meet standards adopted pursuant to the Act of August 12, 1968 (42 U.S.C. 4151–4156) (known as the Architectural Barriers Act of 1968).

"AUTHORIZATION OF APPROPRIATIONS

42 USC 6043.

"SEC. 127. For the purpose of making payments under grants under section 125, there are authorized to be appropriated $3,000,000 for fiscal year 1976, $3,000,000 for fiscal year 1977, and $3,000,000 for fiscal year 1978."

PART C—REVISION OF ALLOTMENT PROGRAM

STATE ALLOTMENTS

SEC. 110. (a) Section 131 of the Act is amended to read as follows: 42 USC 6061.

"AUTHORIZATION OF APPROPRIATIONS FOR ALLOTMENTS

"SEC. 131. For allotments under section 132, there are authorized to be appropriated $40,000,000 for fiscal year 1976, $50,000,000 for fiscal year 1977, and $60,000,000 for fiscal year 1978. *Infra.*

(b) Subsection (a) of section 132 of the Act is amended to read as follows: 42 USC 6062.

"(a)(1)(A) In each fiscal year, the Secretary shall, in accordance with regulations and this paragraph, allot the sums appropriated for such year under section 131 among the States on the basis of— *Supra.*

"(i) the population,

"(ii) the extent of need for services and facilities for persons with developmental disabilities, and

"(iii) the financial need,

of the respective States. Sums allotted to the States under this section shall be used in accordance with approved State plans under section 134 for the provision under such plans of services and facilities for persons with developmental disabilities. *Post,* p. 490.

"(B)(i) Except as provided by clause (ii)—

"(I) the allotment of the Virgin Islands, American Samoa, Guam, and the Trust Territory of the Pacific Islands under subparagraph (A) of this paragraph in any fiscal year shall not be less than $50,000; and

"(II) the allotment of each other State in any fiscal year shall not be less than the greater of $150,000, or the amount of the allotment (determined without regard to subsection (d)) received by the State for the fiscal year ending June 30, 1974.

"(ii) If the amount appropriated under section 131 for any fiscal year exceeds $50,000,000, the minimum allotment of a State for such fiscal year shall be increased by an amount which bears the same ratio to the amount determined for such State under clause (i) as the difference between the amount so appropriated and the amount authorized to be appropriated for such fiscal year bears to $50,000,000.

"(2) In determining, for purposes of paragraph (1)(A)(ii), the extent of need in any State for services and facilities for persons with developmental disabilities, the Secretary shall take into account the scope and extent of the services specified, pursuant to section 134(b)(5), in the State plan of such State approved under section 134. *Post,* p. 490.

"(3) Sums allotted to a State in a fiscal year and designated by it for construction and remaining unobligated at the end of such year shall remain available to such State for such purpose in the next fiscal year (and in such year only), in addition to the sums allotted to such State in such next fiscal year; except that if the maximum amount which may be specified for construction (pursuant to section 134(b)(15)) for a year plus any part of the amount so specified pursuant to such section for the preceding fiscal year and remaining unobligated at the end of such fiscal year is not sufficient to pay the Federal share of the cost of construction of a specific facility included in the construction program of the State developed pursuant to section 134(b)(13), the amount specified pursuant to section 134(b)(15) for such preceding year shall remain available for a second additional year for *Post,* p. 490.

the purpose of paying the Federal share of the cost of construction of such facility.

"(4) Of the amount allotted to any State under paragraph (1) for fiscal year 1976, not less than 10 per centum of that allotment shall be used by such State, in accordance with the plan submitted pursuant to section 134(b)(20), for the purpose of assisting it in developing and implementing plans designed to eliminate inappropriate placement in institutions of persons with developmental disabilities; and of the amount allotted to any State under paragraph (1) for each succeeding fiscal year, not less than 30 per centum of that allotment shall be used by such State for such purpose."

Post, p. 491.

42 USC 6062.

(c) Subsection (d) of section 132 of the Act is amended by inserting after "as he may fix" the following: "(but not earlier than thirty days after he has published notice of his intention to make such reallotment in the Federal Register)".

Publication in Federal Register.

Repeal.

(d) Section 132(e) of the Act is repealed.

(e)(1) Subsection (b) of section 132 of the Act is amended by striking out "this part" each place it occurs and inserting in lieu thereof "the State plan".

42 USC 6063.

(2) Section 134(b)(4) of the Act is amended by striking out "under this part" and inserting in lieu thereof "under section 132".

42 USC 6065.

(3) Section 138 of the Act is amended by striking out "under this part" each place it occurs and inserting in lieu thereof "under section 132".

STATE PLANS

42 USC 6053.

SEC. 111. (a) Subsection (b) of section 134 is amended as follows:

(1) Paragraph (1) of such subsection is amended by striking out "a State planning and advisory council" and inserting in lieu thereof "a State Planning Council as prescribed by section 141".

Post, p. 493.

(2) Paragraph (3) of such subsection is amended by striking out "policies and procedures" and inserting in lieu thereof "priorities, policies, and procedures".

(3) Paragraph (5) of such subsection is amended to read as follows:

"(5) describe the quality, extent, and scope of treatment, services, and habilitation being provided or to be provided in implementing the State plan to persons with developmental disabilities;".

(4) Paragraph (7) of such subsection is amended to read as follows:

"(7) include provisions, meeting such requirements as the United States Civil Service Commission may prescribe, relating to the establishment and maintenance of personnel standards on a merit basis;".

(5) Paragraph (8) of such subsection is amended to read as follows:

"(8) provide that the State Planning Council be adequately staffed and identify the staff assigned to the Council;".

(6) Paragraph (9) of such subsection is amended by striking out "State planning and advisory council" and inserting in lieu thereof "State Planning Council".

(7) Paragraph (15) of such subsection is amended by striking out "50 per centum" and inserting in lieu thereof "10 per centum".

(8) Paragraph (14) of such subsection is amended by striking out "and assign" and inserting in lieu thereof "assign", and by inserting before the semicolon a comma and the following: "and require that construction of projects be done in accordance with standards prescribed by the Secretary pursuant to the Act of August 12, 1968 (42 U.S.C. 4151–4156) (known as the Architectural Barriers Act of 1968)".

(9) Such subsection is amended by striking out "and" after the semicolon at the end of paragraph (17), by redesignating paragraph (18) as paragraph (30), and by inserting the following new paragraphs after paragraph (17):

"(18) provide reasonable assurance that adequate financial support will be available to complete the construction of, and to maintain and operate when such construction is completed, any facility, the construction of which is assisted with sums allotted under section 132;

42 USC 6062.

"(19) provide reasonable assurance that all laborers and mechanics employed by contractors or subcontractors in the performance of work on any construction project assisted with sums allotted under section 132 will be paid at rates not less than those prevailing on similar construction in the locality as determined by the Secretary of Labor in accordance with the Act of March 3, 1931 (40 U.S.C. 276a—276a-5, known as the Davis-Bacon Act); and the Secretary of Labor shall have with respect to the labor standards specified in this paragraph the authority and functions set forth in Reorganization Plan Numbered 14 of 1950 (15 F.R. 3176; 5 U.S.C. Appendix) and section 2 of the Act of June 13, 1934 (40 U.S.C. 276c);

5 USC app. II.

"(20) contain a plan designed (A) to eliminate inappropriate placement in institutions of persons with developmental disabilities, and (B) to improve the quality of care and the state of surroundings of persons for whom institutional care is appropriate;

"(21) provide for the early screening, diagnosis, and evaluation (including maternal care, developmental screening, home care, infant and preschool stimulation programs, and parent counseling and training) of developmentally disabled infants and preschool children, particularly those with multiple handicaps;

"(22) provide for counseling, program coordination, follow-along services, protective services, and personal advocacy on behalf of developmentally disabled adults;

"(23) support the establishment of community programs as alternatives to institutionalization and support such programs which are designed to provide services for the care and habilitation of persons with developmental disabilities, and which utilize, to the maximum extent feasible, the resources and personnel in related community programs to assure full coordination with such programs and to assure the provision of appropriate supplemental health, educational, or social services for persons with developmental disabilities;

"(24) contain or be supported by assurances satisfactory to the Secretary that the human rights of all persons with developmental disabilities (especially those without familial protection) who are receiving treatment, services, or habilitation under programs assisted under this title will be protected;

"(25) provide for a design for implementation which shall include details on the methodology of implementation of the State plan, priorities for spending of funds provided under this part, a detailed plan for the use of such funds, specific objectives to be achieved under the State plan, a listing of the programs and resources to be used to meet such objectives, and a method for periodic evaluation of the design's effectiveness in meeting such objectives;

"(26) provide for the maximum utilization of all available community resources including volunteers serving under the Domestic Volunteer Service Act of 1973 (Public Law 93-113) and

42 USC 4951 note.

other appropriate voluntary organizations except that volunteer services shall supplement, but shall not be in lieu of, services of paid employees;

"(27) provide for the implementation of an evaluation system in accordance with the system developed under section 110;

"(28) provide, to the maximum extent feasible, an opportunity for prior review and comment by the State Planning Council of all State plans of the State which relate to programs affecting persons with developmental disabilities;

"(29) provide for fair and equitable arrangements (as determined by the Secretary after consultation with the Secretary of Labor) to protect the interests of employees affected by actions to carry out the plan described in paragraph (20)(A), including arrangements designed to preserve employee rights and benefits and to provide training and retraining of such employees where necessary and arrangements under which maximum efforts will be made to guarantee the employment of such employees; and".

42 USC 6063. (b) Section 134 of the Act is amended by adding after subsection (c) the following new subsection:

"(d)(1) At the request of any State, a portion of any allotment or allotments of such State under this part for any fiscal year shall be available to pay one-half (or such smaller share as the State may request) of the expenditures found necessary by the Secretary for the proper and efficient administration of the State plan approved under this section; except that not more than 5 per centum of the total of the allotments of such State for any fiscal year, or $50,000, whichever is less, shall be available for such purpose. Payments under this paragraph may be made in advance or by way of reimbursement, and in such installments, as the Secretary may determine.

"(2) Any amount paid under paragraph (1) to any State for any fiscal year shall be paid on condition that there shall be expended from the State sources for such year for administration of the State plan approved under this section not less than the total amount expended for such purposes from such sources during the fiscal year ending June 30, 1975."

APPROVAL OF CONSTRUCTION PROJECTS

Repeal. 42 USC 2675, 2676. SEC. 112. Sections 135 and 136 of the Act are repealed.

PAYMENTS TO STATES

42 USC 6064. SEC. 113. Section 137 of the Act is amended as follows:

(1) The heading for such section is amended by inserting "CONSTRUCTION," after "PLANNING,".

(2) Subsection (a) of such section is amended by striking out "(1)" and by striking out paragraph (2).

(3) Subsection (b) is amended to read as follows:

"(b)(1) Upon certification to the Secretary by the State agency, designated pursuant to section 134(b)(1), based upon inspection by it, that work has been performed upon a construction project, or purchases have been made for such project, in accordance with the approved plans and specifications and that payment of an installment is due to the applicant, such installment shall be paid to the State with respect to such project, from the applicable allotment of such State, except that (A) if the State is not authorized by law to make payments to the applicant, the payment shall be made directly to the applicant, (B) if the Secretary, after investigation or otherwise, has reason to

Ante, p. 490.

believe that any act (or failure to act) has occurred requiring action pursuant to section 136, payment may, after he has given the State agency so designated notice of opportunity for hearing pursuant to such section, be withheld, in whole or in part, pending corrective action or action based on such hearing, and (C) the total of payments under this subsection with respect to such project may not exceed an amount equal to the Federal share of the cost of construction of such project.

Ante, p. 492.

"(2) In case the estimated cost of a project is revised upward, any additional payment with respect thereto may be made from the applicable allotment of the State for the fiscal year in which such revision is approved."

WITHHOLDING OF PAYMENTS

SEC. 114. Section 138 of the Act is amended as follows:

42 USC 6068.

(1) The heading for such section is amended by inserting "CONSTRUCTION," after "PLANNING,".

(2) Such section is amended by striking out "State planning and advisory council" and inserting in lieu thereof "State Planning Council", and by striking out "State council" and inserting in lieu thereof "State Council".

(3) Such section is amended by inserting "(a)" after "138.", by redesignating paragraphs (a) and (b) as paragraphs (1) and (2), respectively, and by adding at the end the following new subsection:

State's plan, review.

"(b) The State Planning Council of a State shall review the State's plan (including the design for implementation of such plan) under section 134 and the actions of the State under such plan for the purpose of determining if the State is complying with the requirements of the plan (and its design for implementation). For the purpose of assisting the Secretary in the implementation of this section, a State Planning Council may notify the Secretary of the results of any review carried out under this subsection."

Ante, p. 490.

NONDUPLICATION

SEC. 115. Section 140 of the Act is amended to read as follows:

42 USC 6066.

"NONDUPLICATION

"SEC. 140. In determining the amount of any State's Federal share of the expenditures incurred by it under a State plan approved under section 134, there shall be disregarded (1) any portion of such expenditures which are financed by Federal funds provided under any provision of law other than section 132, and (2) the amount of any non-Federal funds required to be expended as a condition of receipt of such Federal funds."

42 USC 6063.

42 USC 6062.

STATE PLANNING COUNCILS

SEC. 116. Part C of the Act is amended by inserting after section 140 the following new section:

"STATE PLANNING COUNCILS

"SEC. 141. (a) Each State which receives assistance under this part shall establish a State Planning Council which will serve as an advocate for persons with developmental disabilities. The members of a State's State Planning Council shall be appointed by the

Establishment.
42 USC 6067.

Membership.

Governor of such State. Each State Planning Council shall at all times include in its membership representatives of the principal State agencies, local agencies, and nongovernmental agencies, and groups concerned with services to persons with developmental disabilities. At least one-third of the membership of such a Council shall consist of persons with developmental disabilities, or their parents or guardians, who are not officers of any entity, or employees of any State agency or of any other entity, which receives funds or provides services under this part.

Duties.

"(b) The State Planning Council shall—

"(1) supervise the development of and approve the State plan required by this part;

"(2) monitor and evaluate the implementation of such State plan;

"(3) to the maximum extent feasible, review and comment on all State plans in the State which relate to programs affecting persons with developmental disabilities, and

"(4) submit to the Secretary, through the Governor, such periodic reports on its activities as the Secretary may reasonably request.

"(c) Each State receiving assistance under this part shall provide for the assignment to its State Planning Council of personnel adequate to insure that the Council has the capacity to fulfill its responsibilities under subsection (b)."

SEC. 117. Part C of the Act is amended by inserting after section 141 (added by section 116 of this Act) the following new section:

"JUDICIAL REVIEW

42 USC 6068.
42 USC 6063.
Ante, p. 492.

"SEC. 142. If any State is dissatisfied with the Secretary's action under section 134(c) or section 136, such State may appeal to the United States court of appeals for the circuit in which such State is located, by filing a petition with such court within sixty days after such action. A copy of the petition shall be forthwith transmitted by the clerk of the court to the Secretary, or any officer designated by him for that purpose. The Secretary thereupon shall file in the court the record of the proceedings on which he based his action, as provided in section 2112 of title 28, United States Code. Upon the filing of such petition, the court shall have jurisdiction to affirm the action of the Secretary or to set it aside, in whole or in part, temporarily or permanently, but until the filing of the record, the Secretary may modify or set aside his order. The findings of the Secretary as to the facts, if supported by substantial evidence, shall be conclusive, but the court, for good cause shown, may remand the case to the Secretary to take further evidence, and the Secretary may thereupon make new or modified findings of the fact and may modify his previous action, and shall file in the court the record of the further proceedings. Such new or modified findings of fact shall likewise be conclusive if supported by substantial evidence. The judgment of the court affirming or setting aside, in whole or in part, any action of the Secretary shall be final, subject to review by the Supreme Court of the United States upon certiorari or certification as provided in section 1254 of title 28, United States Code. The commencement of proceedings under this section shall not, unless so specifically ordered by the court, operate as a stay of the Secretary's action."

PART D—REVISION OF SPECIAL PROJECTS ASSISTANCE

SPECIAL PROJECT GRANTS

SEC. 120. Part D of the Act is amended to read as follows:

"PART D—SPECIAL PROJECT GRANTS

"GRANT AUTHORITY

"SEC. 145. (a) The Secretary, after consultation with the National Advisory Council on Services and Facilities to the Developmentally Disabled, may make project grants to public or nonprofit private entities for— 42 USC 6081.

"(1) demonstrations (and research and evaluation in connection therewith) for establishing programs which hold promise of expanding or otherwise improving services to persons with developmental disabilities (especially those who are disadvantaged or multihandicapped), including programs for parent counseling and training, early screening and intervention, infant and preschool children, seizure control systems, legal advocacy, and community based counseling, care, housing, and other services or systems necessary to maintain a person with developmental disabilities in the community;

"(2) public awareness and public education programs to assist in the elimination of social, attitudinal, and environmental barriers confronted by persons with developmental disabilities;

"(3) coordinating and using all available community resources in meeting the needs of persons with developmental disabilities (especially those from disadvantaged backgrounds);

"(4) demonstrations of the provision of services to persons with developmental disabilities who are also disadvantaged because of their economic status;

"(5) technical assistance relating to services and facilities for persons with developmental disabilities, including assistance in State and local planning or administration respecting such services and facilities;

"(6) training of specialized personnel needed for the provision of services for persons with developmental disabilities or for research directly related to such training;

"(7) developing or demonstrating new or improved techniques for the provision of services to persons with developmental disabilities (including model integrated service projects);

"(8) gathering and disseminating information relating to developmental disabilities; and

"(9) improving the quality of services provided in and the administration of programs for such persons.

"(b) No grant may be made under subsection (a) unless an application therefor has been submitted to, and approved by, the Secretary. Such application shall be in such form, submitted in such manner, and contain such information, as the Secretary shall by regulation prescribe. The Secretary may not approve such an application unless the State in which the applicant's project will be conducted has a State plan approved under part C. The Secretary shall provide to the State Planning Council for the State in which an applicant's project will be conducted an opportunity to review the application for such project and to submit its comments thereon. Application. *Ante*, p. 489.

(c) Payments under grants under subsection (a) may be made in advance or by way of reimbursement, and at such intervals and on such conditions, as the Secretary finds necessary. The amount of any grant under subsection (a) shall be determined by the Secretary. In determining the amount of any grant under subsection (a) for the costs of any project, there shall be excluded from such costs an amount equal to the sum of (1) the amount of any other Federal grant which the applicant has obtained, or is assured of obtaining, with respect to such project, and (2) the amount of any non-Federal funds required to be expended as a condition of such other Federal grant.

Appropriation authorization.

"(d) For the purpose of making payments under grants under subsection (a), there are authorized to be appropriated $18,000,000 for fiscal year 1976, $22,000,000 for fiscal year 1977, and $25,000,000 for fiscal year 1978.

"(e) Of the funds appropriated under subsection (d) for any fiscal year, not less than 25 per centum of such funds shall be used for projects which the Secretary determines (after consultation with the National Advisory Council on Services and Facilities for the Developmentally Disabled) are of national significance.

Use of funds, restriction. 29 USC 774.

"(f) No funds appropriated under the Public Health Service Act, under this Act (other than under subsection (d) of this section), or under section 304 of the Rehabilitation Act of 1973 may be used to make grants under subsection (a)."

PART E—REVISION OF GENERAL PROVISIONS

GENERAL PROVISIONS

SEC. 125. Part A of the Act is amended to read as follows:

Developmental Disabilities Services and Facilities Construction Act. 42 USC 6001 note.

"PART A—GENERAL PROVISIONS

"SHORT TITLE

"SEC. 101. This title may be cited as the 'Developmental Disabilities Services and Facilities Construction Act'.

"DEFINITIONS

42 USC 6001.

"SEC. 102. For purposes of this title:

"(1) The term 'State' includes Puerto Rico, Guam, American Samoa, the Virgin Islands, the Trust Territory of the Pacific Islands, and the District of Columbia.

"(2) The term 'facility for persons with developmental disabilities' means a facility, or a specified portion of a facility, designed primarily for the delivery of one or more services to persons with one or more developmental disabilities.

"(3) The terms 'nonprofit facility for persons with developmental disabilities' and 'nonprofit private institution of higher learning' mean, respectively, a facility for persons with developmental disabilities and an institution of higher learning which are owned and operated by one or more nonprofit corporations or associations no part of the net earnings of which inures, or may lawfully inure, to the benefit of any private shareholder or individual; and the term 'nonprofit private agency or organization' means an agency or organization which is such a corporation or association or which is owned and operated by one or more of such corporations or associations.

"(4) The term 'construction' includes construction of new buildings, acquisition, expansion, remodeling, and alteration of existing buildings, and initial equipment of any such buildings (including medical transportation facilities); including architect's fees, but excluding the cost of offsite improvements and the cost of the acquisition of land.

"(5) The term 'cost of construction' means the amount found by the Secretary to be necessary for the construction of a project.

"(6) The term 'title', when used with reference to a site for a project, means a fee simple, or such other estate or interest (including a leasehold on which the rental does not exceed 4 per centum of the value of the land) as the Secretary finds sufficient to assure for a period of not less than fifty years undisturbed use and possession for the purposes of construction and operation of the project.

"(7) The term 'developmental disability' means a disability of a person which—

"(A)(i) is attributable to mental retardation, cerebral palsy, epilepsy, or autism;

"(ii) is attributable to any other condition of a person found to be closely related to mental retardation because such condition results in similar impairment of general intellectual functioning or adaptive behavior to that of mentally retarded persons or requires treatment and services similar to those required for such persons; or

"(iii) is attributable to dyslexia resulting from a disability described in clause (i) or (ii) of this subparagraph;

"(B) originates before such person attains age eighteen;

"(C) has continued or can be expected to continue indefinitely; and

"(D) constitutes a substantial handicap to such person's ability to function normally in society.

"(8) The term 'services for persons with developmental disabilities' means specialized services or special adaptations of generic services directed toward the alleviation of a developmental disability or toward the social, personal, physical, or ecoromic habilitation or rehabilitation of an individual with such a disability; and such term includes diagnosis, evaluation, treatment, personal care, day care, domiciliary care, special living arrangements, training, education, sheltered employment, recreation, counseling of the individual with such disability and of his family, protective and other social and socio-legal services, information and referral services, follow-along services, and transportation services necessary to assure delivery of services to persons with developmental disabilities.

"(9) The term 'satellite center' means an entity which is associated with one or more university affiliated facilities and which functions as a community or regional extension of such university affiliated facilities in the delivery of training, services, and programs to the developmentally disabled and their families, to personnel of State agencies concerned with developmental disabilities, and to others responsible for the care of persons with developmental disabilities.

"(10) The term 'university affiliated facility' means a public or nonprofit facility which is associated with, or is an integral part of, a college or university and which aids in demonstrating the provision of specialized services for the diagnosis and treatment of persons with developmental disabilities and which provides education and training

(including interdisciplinary training) of personnel needed to render services to persons with developmental disabilities.

"(11) The term 'Secretary' means the Secretary of Health, Education, and Welfare.

"FEDERAL SHARE

42 USC 6002.
Ante, pp. 486, 489.

"SEC. 103.(a) The Federal share of any project to be provided through grants under part B and allotments under part C may not exceed 75 per centum of the necessary cost thereof as determined by the Secretary, except that if the project is located in an urban or rural poverty area, the Federal share may not exceed 90 per centum of the project's necessary costs as so determined.

Non-Federal share.

"(b) The non-Federal share of the cost of any project assisted by a grant or allotment under this title may be provided in kind.

"(c) For the purpose of determining the Federal share with respect to any project, expenditures on that project by a political subdivision of a State or by a nonprofit private entity shall, subject to such limitations and conditions the Secretary may by regulation prescribe, be deemed to be expenditures by such State in the case of a project under part C or by a university-affiliated facility or a satellite center, as the case may be, in the case of a project assisted under part B.

"STATE CONTROL OF OPERATIONS

42 USC 6003.

"SEC. 104. Except as otherwise specifically provided, nothing in this title shall be construed as conferring on any Federal officer or employee the right to exercise any supervision or control over the administration, personnel, maintenance, or operation of any facility for persons with developmental disabilities with respect to which any funds have been or may be expended under this title.

"RECORDS AND AUDIT

42 USC 6004.

"SEC. 105. (a) Each recipient of assistance under this title shall keep such records as the Secretary shall prescribe, including (1) records which fully disclose (A) the amount and disposition by such recipient of the proceeds of such assistance, (B) the total cost of the project or undertaking in connection with which such assistance is given or used, and (C) the amount of that portion of the cost of the project or undertaking supplied by other sources, and (2) such other records as will facilitate an effective audit.

"(b) The Secretary and the Comptroller General of the United States, or any of their duly authorized representatives, shall have access for the purpose of audit and examination to any books, documents, papers, and records of the recipients of assistance under this title that are pertinent to such assistance.

"EMPLOYMENT OF HANDICAPPED INDIVIDUALS

42 USC 6005.

"SEC. 106. As a condition of providing assistance under this title, the Secretary shall require that each recipient of such assistance take affirmative action to employ and advance in employment qualified handicapped individuals on the same terms and conditions required with respect to the employment of such individuals by the provisions of the Rehabilitation Act of 1973 which govern employment (1) by

29 USC 701 note.

State rehabilitation agencies and rehabilitation facilities, and (2) under Federal contracts and subcontracts.

"RECOVERY

"SEC. 107. If any facility with respect to which funds have been paid under part B or C shall, at any time within twenty years after the completion of construction— 42 USC 6006. *Ante*, pp. 486, 489.

"(1) be sold or transferred to any person, agency, or organization which is not a public or nonprofit private entity, or

"(2) cease to be a public or other nonprofit facility for persons with developmental disabilities,

the United States shall be entitled to recover from either the transferor or the transferee (or, in the case of a facility which has ceased to be a public or other nonprofit facility for persons with developmental disabilities, from the owners thereof) an amount bearing the same ratio to the then value (as determined by the agreement of the parties or by action brought in the district court of the United States for the district in which the facility is situated) of so much of such facility as constituted an approved project or projects, as the amount of the Federal participation bore to the cost of the construction of such project or projects. Such right of recovery shall not constitute a lien upon such facility prior to judgment. The Secretary, in accordance with regulations prescribed by him, may, upon finding good cause therefor, release the applicant or other owner from the obligation to continue such facility as a public or other nonprofit facility for persons with developmental disabilities."

NATIONAL ADVISORY COUNCIL

SEC. 126. (a) Section 133 of the Act is transferred to part A of the Act (as amended by section 125), is redesignated as section 108, and is amended as follows: National Advisory Council on Services and Facilities for the Developmentally Disabled. 42 USC 6007.

(1) Subsection (a) of such section is amended to read as follows:

"(a) (1) There is established a National Advisory Council on Services and Facilities for the Developmentally Disabled (hereinafter in this section referred to as the 'Council') which shall consist of nine ex officio members and sixteen members appointed by the Secretary. The ex officio members of the Council are the Deputy Commissioner of the Bureau of Education for the Handicapped, the Commissioner of Rehabilitation Services Administration, the Administrator of the Social and Rehabilitation Service, the Director of the National Institute of Child Health and Human Development, the Director of the National Institute of Neurological Disease and Stroke, the Director of the National Institute of Mental Health, and three other representatives of the Department of Health, Education, and Welfare selected by the Secretary. The appointed members of the Council shall be selected from persons who are not full-time employees of the United States and shall be selected without regard to the provisions of title 5, United States Code, governing appointments in the competitive service. The appointed members shall be selected from advocates in the field of services to persons with developmental disabilities, including leaders in State or local government, in institutions of higher education, and in organizations which have demonstrated advocacy on behalf of such persons. At least five such members shall be representatives of State or local public or nonprofit private agencies responsible for services to persons with developmental disabilities, and 5 USC 101 *et seq.*

at least five other such members shall be persons with developmental disabilities or the parents or guardians of such persons.

"(2) The Secretary shall from time to time designate one of the appointed members to serve as Chairman of the Council.

"(3) The Council shall meet at least twice a year.

5 USC app. I. "(4) The Federal Advisory Committee Act shall not apply with respect to the duration of the Council."

42 USC 6007. (2) Subsection (b) of such section is amended—

(A) by inserting "appointed" after "Each", and

(B) by striking out ", and except that" and all that follows in that subsection and inserting in lieu thereof a period and the following: "An individual who has served as a member of the Council may not be reappointed to the Council before two years has expired since the expiration of his last term of office as a member."

(3) Subsection (c) of such section is amended to read as follows:

Duties. "(c) It shall be the duty and function of the Council to—

"(1) advise the Secretary with respect to any regulations promulgated or proposed to be promulgated by the Secretary in the implementation of the provisions of this title;

"(2) study and evaluate programs authorized by this title to determine their effectiveness in carrying out the purposes for which they were established;

"(3) monitor the development and execution of this title and report directly to the Secretary any delay in the rapid execution of this title;

"(4) review grants made under this title and advise the Secretary with respect thereto; and

"(5) submit to the Congress annually an evaluation of the efficiency of the administration of the provisions of this title."

(4) Subsection (e) of such section is amended (A) by striking out "Members" and inserting in lieu thereof "Appointed members", and (B) by striking out "they" and inserting in lieu thereof "all of the members".

42 USC 6007 note. (b) The amendments made by subsection (a) do not affect the term of office of persons who on the date of the enactment of this Act are members of the National Advisory Council on Services and Facilities for the Developmentally Disabled. The Secretary of Health, Education, and Welfare shall make appointments to such Council in accordance with section 108 of the Act as vacancies occur in the membership of such Council on and after the date of the enactment of this Act. The ex officio members prescribed by section 108 of the Act shall take office as of the date of the enactment of this Act.

REGULATIONS

42 USC 6008. SEC. 127. Section 139 of the Act is transferred to part A of the Act (as amended by sections 125 and 126), is redesignated as section 109, and is amended as follows:

(1) Paragraphs (a), (b), and (c) are each amended by striking out "this part" and inserting in lieu thereof "part C".

(2) Paragraphs (a), (b), (c), and (d) are redesignated as paragraphs (1), (2), (3), and (4), respectively.

(3) The last sentence is repealed and the following new sentences are inserted in lieu thereof: "Regulations of the Secretary shall provide for approval of an application submitted by a State for a project to be completed by two or more political subdivisions, by two or more public or nonprofit private entities, or by any

combination of such subdivisions and entities. Within one hundred and eighty days of the date of the enactment of any amendments to this title, the Secretary shall promulgate such regulations as may be required for implementation of such amendments."

EVALUATION

SEC. 128. Part A of the Act (as amended by sections 125, 126, and 127) is amended by adding after section 109 the following new section:

"EVALUATION SYSTEM

"SEC. 110. (a) The Secretary, in consultation with the National Advisory Council on Services and Facilities for the Developmentally Disabled, shall within two years of the date of the enactment of the Developmentally Disabled Assistance and Bill of Rights Act develop a comprehensive system for the evaluation of services provided to persons with developmental disabilities through programs (including residential and nonresidential programs) assisted under this title. Within six months after the development of such a system, the Secretary shall require, as a condition to the receipt of assistance under this title, that each State submit to the Secretary, in such form and manner as he shall prescribe, a time-phased plan for the implementation of such a system. Within two years after the date of the development of such a system, the Secretary shall require, as a condition to the receipt of assistance under this title, that each State provide assurances satisfactory to the Secretary that the State is using such a system. 42 USC 6009. Time-phased plan.

"(b) The evaluation system to be developed under subsection (a) shall—

"(1) provide objective measures of the developmental progress of persons with developmental disabilities using data obtained from individualized habilitation plans as required under section 112 or other comparable individual data; *Post*, p. 503.

"(2) provide a method of evaluating programs providing services for persons with developmental disabilities which method uses the measures referred to in paragraph (1); and

"(3) provide effective measures to protect the confidentiality of records of, and information describing, persons with developmental disabilities.

"(c) Not later than two years after the date of the Developmentally Disabled Assistance and Bill of Rights Act, the Secretary shall submit to the Congress a report on the evaluation system developed pursuant to subsection (a). Such report shall include an estimate of the costs to the Federal Government and the States of developing and implementing such a system. Report to Congress.

"(d) The Secretary, in consultation with the National Advisory Council on Services and Facilities for the Developmentally Disabled, may make grants to public and private nonprofit entities and may enter into contracts with individuals and public and nonprofit private entities to assist in developing the evaluation to be developed under subsection (a), except that such a grant or contract may not be entered into with entities or individuals who have any financial or other direct interest in any of the programs to be evaluated under such a system. Contracts may be entered into under this subsection without regard to sections 3648 and 3709 of the Revised Statutes (31 U.S.C. 529; 41 U.S.C. 5)." Grants and contracts.

TITLE II—ESTABLISHMENT AND PROTECTION OF THE RIGHTS OF PERSONS WITH DEVELOPMENTAL DISABILITIES

RIGHTS OF THE DEVELOPMENTALLY DISABLED

SEC. 201. Part A of the Act (as amended by title I) is amended by inserting after section 110 the following new section:

"RIGHTS OF THE DEVELOPMENTALLY DISABLED

42 USC 6010.

"SEC. 111. Congress makes the following findings respecting the rights of persons with developmental disabilities:

"(1) Persons with developmental disabilities have a right to appropriate treatment, services, and habilitation for such disabilities.

"(2) The treatment, services, and habilitation for a person with developmental disabilities should be designed to maximize the developmental potential of the person and should be provided in the setting that is least restrictive of the person's personal liberty.

"(3) The Federal Government and the States both have an obligation to assure that public funds are not provided to any institutional or other residential program for persons with developmental disabilities that—

"(A) does not provide treatment, services, and habilitation which is appropriate to the needs of such persons; or

"(B) does not meet the following minimum standards:

"(i) Provision of a nourishing, well-balanced daily diet to the persons with developmental disabilities being served by the program.

"(ii) Provision to such persons of appropriate and sufficient medical and dental services.

"(iii) Prohibition of the use of physical restraint on such persons unless absolutely necessary and prohibition of the use of such restraint as a punishment or as a substitute for a habilitation program.

"(iv) Prohibition on the excessive use of chemical restraints on such persons and the use of such restraints as punishment or as a substitute for a habilitation program or in quantities that interfere with services, treatment, or habilitation for such persons.

"(v) Permission for close relatives of such persons to visit them at reasonable hours without prior notice.

"(vi) Compliance with adequate fire and safety standards as may be promulgated by the Secretary.

"(4) All programs for persons with developmental disabilities should meet standards which are designed to assure the most favorable possible outcome for those served, and—

"(A) in the case of residential programs serving persons in need of comprehensive health-related, habilitative, or rehabilitative services, which are at least equivalent to those standards applicable to intermediate care facilities for the mentally retarded promulgated in regulations of the Secretary on January 17, 1974 (39 Fed. Reg. pt. II), as appropriate when taking into account the size of the institutions and the service delivery arrangements of the facilities of the programs;

45 CFR 200–499.

"(B) in the case of other residential programs for persons with developmental disabilities, which assure that care is

appropriate to the needs of the persons being served by such programs, assure that the persons admitted to facilities of such programs are persons whose needs can be met through services provided by such facilities, and assure that the facilities under such programs provide for the humane care of the residents of the facilities, are sanitary, and protect their rights; and

"(C) in the case of nonresidential programs, which assure the care provided by such programs is appropriate to the persons served by the programs."

HABILITATION PLANS

SEC. 202. Part A of the Act is amended by inserting after section 111 (added by section 201) the following new section:

"HABILITATION PLANS

"SEC. 112. (a) The Secretary shall require as a condition to a State's receiving an allotment under part C after September 30, 1976, that the State provide the Secretary satisfactory assurances that each program (including programs of any agency, facility, or project) which receives funds from the State's allotment under such part (1) has in effect for each developmentally disabled person who receives services from or under the program a habilitation plan meeting the requirements of subsection (b), and (2) provides for an annual review, in accordance with subsection (c), of each such plan. 42 USC 6011. *Ante*, p. 489.

"(b) A habilitation plan for a person with developmental disabilities shall meet the following requirements: Requirements.

"(1) The plan shall be in writing.

"(2) The plan shall be developed jointly by (A) a representative or representatives of the program primarily responsible for delivering or coordinating the delivery of services to the person for whom the plan is established, (B) such person, and (c) where appropriate, such person's parents or guardian or other representative.

"(3) Such plan shall contain a statement of the long-term habilitation goals for the person and the intermediate habilitation objectives relating to the attainments of such goals. Such objectives shall be stated specifically and in sequence and shall be expressed in behavioral or other terms that provide measurable indices of progress. The plan shall (A) describe how the objectives will be achieved and the barriers that might interfere with the achievement of them, (B) state an objective criteria and an evaluation procedure and schedule for determining whether such objectives and goals are being achieved, and (C) provide for a program coordinator who will be responsible for the implementation of the plan.

"(4) The plan shall contain a statement (in readily understandable form) of specific habilitation services to be provided, shall identify each agency which will deliver such services, shall describe the personnel (and their qualifications) necessary for the provision of such services, and shall specify the date of the initiation of each service to be provided and the anticipated duration of each such service.

"(5) The plan shall specify the role and objectives of all parties to the implementation of the plan.

Annual review.

"(c) Each habilitation plan shall be reviewed at least annually by the agency primarily responsible for the delivery of services to the person for whom the plan was established or responsible for the coordination of the delivery of services to such person. In the course of the review, such person and the person's parents or guardian or other representative shall be given an opportunity to review such plan and to participate in its revision."

PROTECTION AND ADVOCACY OF INDIVIDUAL RIGHTS

SEC. 203. Part A of the Act is amended by inserting after section 112 (added by section 202) the following new section:

"PROTECTION AND ADVOCACY OF INDIVIDUAL RIGHTS

42 USC 6012.
Ante, p. 489.

"SEC. 113. (a) The Secretary shall require as a condition to a State receiving an allotment under part C for a fiscal year ending before October 1, 1977, that the State provide the Secretary satisfactory assurances that not later than such date (1) the State will have in effect a system to protect and advocate the rights of persons with development disabilities, and (2) such system will (A) have the authority to pursue legal, administrative, and other appropriate remedies to insure the protection of the rights of such persons who are receiving treatment, services, or habilitation within the State, and (B) be independent of any State agency which provides treatment, services, or habilitation to persons with developmental disabilities. The Secretary may not make an allotment under part C to a State for a fiscal year beginning after September 30, 1977, unless the State has in effect a system described in the preceding sentence.

State allotments.

"(b)(1) To assist States in meeting the requirements of subsection (a), the Secretary shall allot to the States the sums appropriated under paragraph (2). Such allotments shall be made in accordance with subsections (a)(1)(A) and (d) of section 132.

Ante, p. 489.

Appropriation authorization.

"(2) For allotments under paragraph (1), there are authorized to be appropriated $3,000,000 for fiscal year 1976, $3,000,000 for fiscal year 1977, and $3,000,000 for fiscal year 1978."

STUDIES AND RECOMMENDATIONS

42 USC 6010 note.

SEC. 204. (a) The Secretary of Health, Education, and Welfare (hereinafter in this section referred to as the "Secretary") shall conduct or arrange for the conduct of the following:

Review and evaluation.
29 USC 701 note.
20 USC 331 note, 871.
42 USC 1395, 1396, 1397.
Ante, p. 502.

(1) A review and evaluation of the standards and quality assurance mechanisms applicable to residential facilities and community agencies under the Rehabilitation Act of 1973, titles I and VI of the Elementary and Secondary Education Act of 1965, titles XVIII, XIX, and XX of the Social Security Act, and any other Federal law administered by the Secretary. Such standards and mechanisms shall be reviewed and evaluated (A) for their effectiveness in assuring the rights, described in section 111 of the Act, of persons with developmental disabilities, (B) for their effectiveness in insuring that services rendered by such facilities and agencies to persons with developmental disabilities are consistent with current concepts of quality care concerning treatment, services, and habilitation of such persons, (C) for conflicting requirements, and (D) for the relative effectiveness of their enforcement and the degree and extent of their effectiveness.

(2) The development of recommendations for standards and quality assurance mechanisms (including enforcement mechanisms) for residential facilities and community agencies providing treatment, services, or habilitation for persons with developmental disabilities which standards and mechanisms will assure the rights stated in section 111 of the Act. Such recommendations shall be based upon performance criteria for measuring and evaluating the developmental progress of persons with developmental disabilities which criteria are consistent with criteria used in the evaluation system developed under section 110 of the Act.

Ante, p. 502.

Ante, p. 501.

(3) The development of recommendations for changes in Federal law and regulations administered by the Secretary after taking into account the review and evaluation under paragraph (1) and the recommended standards or mechanisms developed under paragraph (2).

(b)(1) The Secretary may in consultation with the National Advisory Council on Services and Facilities for the Developmentally Disabled, obtain (through grants or contracts) the assistance of public and private entities in carrying out subsection (a).

(2) In carrying out subsection (a), the Secretary shall consult with appropriate public and private entities and individuals for the purpose of receiving their expert assistance, advice, and recommendations. Such agencies and individuals shall include persons with developmental disabilities, representative of such individuals, the appropriate councils of the Joint Commission on Accreditation of Hospitals, providers of health care, and State agencies. Persons to be consulted shall include the following officers of the Department of Health, Education, and Welfare: The Commissioner of the Medical Services Administration, the Commissioner of the Rehabilitation Services Administration, the Deputy Commissioner of the Bureau of Education for the Handicapped, the Assistant Secretary for Human Development, the Commissioner of the Community Services Administration, and the Commissioner of the Social Security Administration.

(c) The Secretary shall within eighteen months after the date of enactment of this Act complete the review and evaluation and development of recommendations prescribed by subsection (a) and shall make a report to the Committee on Labor and Public Welfare of the Senate and the Committee on Interstate and Foreign Commerce of the House of Representatives on such review and evaluation and recommendations.

Report to congressional committees.

TITLE III—MISCELLANEOUS

REPORT AND STUDY

SEC. 301. (a) The Secretary of Health, Education, and Welfare (hereinafter in this section referred to as the "Secretary") shall, in accordance with section 101(7) of the Act (defining the term "developmental disability") (as amended by title I of this Act), determine the conditions of persons which should be included as developmental

42 USC 6001 note.

Ante, p. 496.

Ante, p. 496.
Report to Congress.

disabilities for purposes of the programs authorized by title I of the Act. Within six months of the date of enactment of this Act the Secretary shall make such determination and shall make a report thereon to the Congress specifying the conditions which he determined should be so included, the conditions which he determined should not be so included, and the reasons for each such determination. After making such report, the Secretary shall periodically, but not less often than annually, review the conditions not so included as developmental disabilities to determine if they should be so included. The Secretary shall report to the Congress the results of each such review.

Report to Congress.
Study.

(b) (1) The Secretary shall contract for the conduct of an independent objective study to determine (A) if the basis of the definition of the developmental disabilities (as amended by title I of this Act) with respect to which assistance is authorized under such title is appropriate and, to the extent that it is not, to determine an appropriate basis for determining which disabilities should be included and which disabilities should be excluded from the definition, and (B) the nature and adequacy of services provided under other Federal programs for persons with disabilities not included in such definition.

Report to congressional committees.

(2) A final report giving the results of the study required by paragraph (1) and providing specifications for the definition of developmental disabilities for purposes of title I of the Act shall be submitted by the organization conducting the study to the Committee on Inter-State and Foreign Commerce of the House of Representatives and the Committee on Labor and Public Welfare of the Senate not later than eighteen months after the date of enactment of this Act.

CONFORMING AMENDMENTS

42 USC 6063–6068.

SEC. 302. (a) Sections 134, 137, 138, 140, 141, and 142 of the Act are redesignated as sections 133, 134, 135, 136, 137, and 138, respectively.

42 USC 6062.

(b) (1) Section 132 of the Act is amended by striking out "134" each place it occurs and inserting in lieu thereof "133".

42 USC 6063.

(2) Section 133(b) (1) is amended by striking out "141" and inserting in lieu thereof "137".

42 USC 6065.

(3) Section 135 of the Act (as so redesignated) is amended (A) by striking out "134" each place it occurs and inserting in lieu thereof "133", and (B) by striking out "136" in subsection (b) and inserting in lieu thereof "135".

42 USC 6066.

(4) Section 136 of the Act (as so redesignated) is amended by striking out "134" each place it occurs and inserting in lieu thereof "133".

42 USC 6068.

(5) Section 138 of the Act (as so redesignated) is amended (A) by striking out "134" and inserting in lieu thereof "133", and (B) by striking out "136" and inserting in lieu thereof "135".

(c) Sections 100 and 130 of the Act and title IV of the Mental Retardation Facilities and Community Mental Health Centers Construction Act of 1963 are repealed. Repeal. 42 USC 2661 note, 2670. 42 USC 2691, 2693-2697b.

EFFECTIVE DATE

SEC. 303. The amendments made by this Act shall take effect with respect to appropriations under the Act for fiscal years beginning after June 30, 1975. 42 USC 6001 note.

Approved October 4, 1975.

LEGISLATIVE HISTORY:

HOUSE REPORTS: No. 94-58 (Comm. on Interstate and Foreign Commerce) and No. 94-473 (Comm. of Conference).

SENATE REPORT No. 94-160 accompanying S. 462 (Comm. on Labor and Public Welfare).

CONGRESSIONAL RECORD, Vol. 121 (1975):

Apr. 10, considered and passed House.

June 2, considered and passed Senate, amended, in lieu of S. 462.

Sept. 18, House agreed to conference report.

Sept. 23, Senate agreed to conference report.

Public Law 94-104
94th Congress

An Act

Oct. 6, 1975
[S. 2230]

To authorize appropriations for the Board for International Broadcasting for fiscal year 1976; and to promote improved relations between the United States, Greece, and Turkey, to assist in the solution of the refugee problem on Cyprus, and to otherwise strengthen the North Atlantic Alliance.

Board for International Broadcasting, appropriation authorization; Greece and Turkey, foreign assistance; Cypress refugees.
22 USC 2877.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 8(a) of the Board for International Broadcasting Act of 1973 (22 U.S.C. 2877 (a)) is amended—

(1) by striking out "$49,990,000 for fiscal year 1975, of which not less than $75,000 shall be available solely to initiate broadcasts in the Estonian language and not less than $75,000 shall be available solely to initiate broadcasts in the Latvian language" in the first sentence and inserting in lieu thereof "$65,640,000 for fiscal year 1976"; and

(2) by striking out "fiscal year 1975" in the second sentence and inserting in lieu thereof "fiscal year 1976".

SEC. 2. (a)(1) The Congress reaffirms the policy of the United States to seek to improve and harmonize relations among the allies of the United States and between the United States and its allies, in the interest of mutual defense and national security. In particular, the Congress recognizes the special contribution to the North Atlantic Alliance of Greece and Turkey by virtue of their geographic position on the southeastern flank of Europe and is prepared to assist in the modernization and strengthening of their respective armed forces.

(2) The Congress further reaffirms the policy of the United States to alleviate the suffering of refugees and other victims of armed conflict and to foster and promote international efforts to ameliorate the conditions which prevent such persons from resuming normal and productive lives. The Congress, therefore, calls upon the President to encourage and to cooperate in the implementation of multilateral programs, under the auspices of the Secretary General of the United Nations, the United Nations High Commissioner for Refugees, or other appropriate international agencies, for the relief of and assistance to refugees and other persons disadvantaged by the hostilities on Cyprus pending a final settlement of the Cyprus refugee situation in the spirit of Security Council Resolution 361.

(b)(1) In order that the purposes of this Act may be carried out without awaiting the enactment of foreign assistance legislation for fiscal year 1976 programs—

22 USC 2370.

(A) the President is authorized, notwithstanding section 620 of the Foreign Assistance Act of 1961, to furnish to the Government of Turkey those defense articles and defense services with respect to which contracts of sale were signed under section 21 or section 22 of the Foreign Military Sales Act on or before February 5, 1975, and to issue licenses for the transportation to the Government of Turkey of arms, ammunition, and implements of war (including technical data relating thereto): *Provided*, That such authorization shall be effective only while Turkey shall observe the cease-fire and shall neither increase its forces on

22 USC 2761, 2762.

Cyprus nor transfer to Cyprus any United States supplied implements of war: *Provided further*, That the authorities contained in this section shall not become effective unless and until the President determines and certifies to the Congress that the furnishing of defense articles and defense services, and the issuance of licenses for the transportation of implements of war, arms and ammunition under this section are important to the national security interests of the United States; and

(B) the President is requested to initiate discussions with the Government of Greece to determine the most urgent needs of Greece for economic and military assistance.

(C) the President is requested to initiate discussions with the Government of Turkey concerning effective means of preventing the diversion of opium poppy into illicit channels.

(2) The President is directed to submit to the Speaker of the House of Representatives and to the Foreign Relations and Appropriations Committees of the Senate within sixty days after the enactment of this Act a report on discussions conducted under subsections (b)(1) (B) and (C), together with his recommendations for economic and military assistance to Greece for the fiscal year 1976.

Report to Speaker of the House and congressional committees.

(c)(1) Section 620(x) of the Foreign Assistance Act of 1961 is amended by striking out all after the word "*Provided*," and inserting in lieu thereof the following: "That the President is authorized to suspend the provisions of this section and of section 3(c) of the Foreign Military Sales Act only with respect to sales, credits, and guaranties under the Foreign Military Sales Act, as amended, for the procurement of such defense articles and defense services as the President determines and certifies to the Congress are necessary in order to enable Turkey to fulfill her defense responsibilities as a member of the North Atlantic Treaty Organization. Any such suspension shall be effective only while Turkey shall observe the cease-fire and shall neither increase its forces on Cyprus nor transfer to Cyprus any United States supplied arms, ammunition, and implements of war.".

22 USC 2370.

22 USC 2753.

(2) Section 620(x) of the Foreign Assistance Act of 1961 is further amended by designating the present subsection as paragraph (1) and by adding at the end thereof the following new paragraph:

22 USC 2370.

"(2) The President shall submit to the Congress within sixty days after the enactment of this paragraph, and at the end of each succeeding sixty-day period, a report on progress made during such period toward the conclusion of a negotiated solution of the Cyprus conflict.".

(3) Nothing in this section shall be construed as authorizing (A) military assistance to Turkey under chapter 2 of part II of the Foreign Assistance Act of 1961, or (B) sales, credits, or guaranties to or on behalf of Turkey under the Foreign Military Sales Act for the procurement of defense articles or defense services not determined by the President to be needed for the fulfillment of Turkey's North Atlantic Treaty Organization responsibilities.

22 USC 2311 *et seq.*
22 USC 2751.

(4) Pursuant to the provisions of this section, in the case of any letter of offer to sell any defense article or defense service pursuant to the Foreign Military Sales Act for $25,000,000 or more, the President shall submit to the Speaker of the House of Representatives and to the chairman of the Committee on Foreign Relations of the Senate a statement containing (A) a brief description of the defense article or defense service to be offered, (B) the dollar amount of the proposed sale, (C) the United States Armed Force which is making the sale, and (D) the date on which any letter of offer to sell is to be issued. The letter of offer shall not be issued if the Congress, within twenty

Report to Speaker of the House and chairman of Committee on Foreign Relations.

calendar days after receiving any such statement, adopts a concurrent resolution stating in effect that it objects to such proposed sale.

22 USC 2370 note.

(5) This subsection shall become effective only upon enactment of foreign assistance legislation authorizing sales, credits, and guaranties under the Foreign Military Sales Act for fiscal year 1976.

22 USC 2751 note.

Approved October 6, 1975.

LEGISLATIVE HISTORY:

HOUSE REPORT No. 94-500 (Comm. on International Relations).
CONGRESSIONAL RECORD, Vol. 121 (1975):
July 31, considered and passed Senate.
Oct. 2, considered and passed House, amended.
Oct. 3, Senate concurred in House amendment.
WEEKLY COMPILATION OF PRESIDENTIAL DOCUMENTS, Vol. 11, No. 40:
Oct. 3, Presidential statement.

Public Law 94-105
94th Congress

An Act

To amend the National School Lunch Act and the Child Nutrition Act of 1966 in order to extend and revise the special food service program for children and the school breakfast program, and for other purposes related to strengthening the school lunch and child nutrition programs.

Oct. 7, 1975
[H.R. 4222]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "National School Lunch Act and Child Nutrition Act of 1966 Amendments of 1975".

National School Lunch Act and Child Nutrition Act of 1966 Amendments of 1975.

SCHOOL BREAKFAST PROGRAM

SEC. 2. Section 4(a) of the Child Nutrition Act of 1966 (80 Stat. 885, as amended) is amended by striking out "for the fiscal years ending June 30, 1973, June 30, 1974, and June 30, 1975,".

42 USC 1751 note.
42 USC 1773.

SEC. 3. Section 4 of the Child Nutrition Act of 1966 is amended by adding at the end thereof the following new subsection:

"(g) As a national nutrition and health policy, it is the purpose and intent of the Congress that the school breakfast program be made available in all schools where it is needed to provide adequate nutrition for children in attendance. The Secretary is hereby directed, in cooperation with State educational agencies, to carry out a program of information in furtherance of this policy. Within 4 months after the enactment of this subsection, the Secretary shall report to the committees of jurisdiction in the Congress his plans and those of the cooperating State agencies to bring about the needed expansion in the school breakfast program.".

Report to Congress.

DIRECT FEDERAL EXPENDITURES

SEC. 4. Section 6(b) of the National School Lunch Act (60 Stat. 230, as amended) is amended—

42 USC 1755.

(a) By striking out "nonprofit private" the first time such term occurs in the proviso of the third sentence and inserting in lieu thereof "any of the".

(b) By striking out "nonprofit private" the second time such term occurs in the proviso of the third sentence and inserting in lieu thereof "such".

(c) By striking out "nonprofit private" where such term occurs in the fourth sentence.

MATCHING

SEC. 5. Section 7 of the National School Lunch Act is amended by inserting after the seventh sentence thereof the following new sentence: "The requirement in this section that each dollar of Federal assistance be matched by $3 from sources within the State (with adjustments for the per capita income of the State) shall not be applicable with respect to the payments made to participating schools under section 4 of this Act for free and reduced price lunches: *Provided*, That the foregoing provision shall not affect the level of State matching required by the sixth sentence of this section.".

42 USC 1756.

42 USC 1753.

INCOME GUIDELINES FOR REDUCED PRICE LUNCHES AND MODIFICATION OF PROGRAM REQUIREMENTS

42 USC 1758.

SEC. 6. Section 9 of the National School Lunch Act is amended as follows:

(a) Subsection (a) is amended by adding at the end thereof the following new sentences: "The Secretary shall establish, in cooperation with State educational agencies, administrative procedures, which shall include local educational agency and student participation, designed to diminish waste of foods which are served by schools participating in the school lunch program under this Act without endangering the nutritional integrity of the lunches served by such schools. Students in senior high schools which participate in the school lunch program under this Act shall not be required to accept offered foods which they do not intend to consume, and any such failure to accept offered foods shall not affect the full charge to the student for a lunch meeting the requirements of this subsection or the amount of payments made under this Act to any such school for such a lunch.".

(b) Subsection (b) is amended—

(1) By inserting "(1)" immediately after the subsection designation.

(2) By striking out in the fifth sentence thereof the following: ", if a school elects to serve reduced-price lunches".

(3) By inserting immediately after the fifth sentence thereof the following new sentence: "Any child who is eligible for a reduced price lunch under income guidelines prescribed for schools in that State under the preceding sentence shall be served a reduced price lunch.".

(4) By adding at the end thereof the following new sentence: "Notwithstanding any other provision of this subsection, beginning with the fiscal year ending June 30, 1976, the income guidelines prescribed by each State educational agency for reduced price lunches for schools in that State under the fifth sentence of this paragraph shall be 95 per centum above the applicable family size income levels in the income poverty guidelines prescribed by the Secretary, and any child who is a member of a household, if that household has an annual income which falls between (A) the applicable family size income level of the income guidelines for free lunches prescribed by the State educational agency and (B) 95 per centum above the applicable family size income levels in the income poverty guidelines prescribed by the Secretary, shall be served a reduced price lunch at a price not to exceed 20 cents.".

Computation. Effective date.

(c) Effective January 1, 1976, paragraph (1) of subsection (b) is revised to read as follows:

"(b) (1) No later than June 1 of each fiscal year, the Secretary shall issue revised income poverty guidelines for use during the subsequent 12-month period from July through June. Such revisions shall be made by multiplying the income poverty guideline currently in effect by the change in the Consumer Price Index for the 12-month period ending in April of such fiscal year: *Provided*, That such revision for use from July 1976 through June 1977 shall be made by multiplying the income poverty guideline currently in effect by the change between the average 1974 Consumer Price Index and the Consumer Price Index for April 1976. Any child who is a member of a household which has an annual income not above the applicable family-size income level set forth in the income poverty guidelines prescribed by the Sec-

retary shall be served a free lunch. Following the announcement by the Secretary of the income poverty guidelines for each 12-month period, each State educational agency shall prescribe the income guidelines, by family size, to be used by schools in the State during such 12-month period in making determinations of those eligible for a free lunch as prescribed in this section. The income guidelines for free lunches to be prescribed by each State educational agency shall not be less than the applicable family-size income levels in the income poverty guidelines prescribed by the Secretary and shall not be more than 25 per centum above such family-size income levels. Each fiscal year, each State educational agency shall also prescribe income guidelines, by family size, to be used by schools in the State during the 12-month period from July through June in making determinations of those children eligible for a lunch at a reduced price, not to exceed 20 cents. Such income guidelines for reduced-price lunches shall be prescribed at 95 per centum above the applicable family size income levels in the income poverty guidelines prescribed by the Secretary. Any child who is a member of a household, if that household has an annual income which falls between (A) the applicable family size income level of the income guidelines for free lunches prescribed by the State educational agency and (B) 95 per centum above the applicable family size income levels in the income poverty guidelines prescribed by the Secretary, shall be served a reduced price lunch at a price not to exceed 20 cents. Local school authorities shall publicly announce such income guidelines on or about the opening of school each fiscal year, and shall make determinations with respect to the annual incomes of any household solely on the basis of a statement executed in such form as the Secretary may prescribe by an adult member of such household: *Provided*, That such local school authorities may for cause seek verification of the data in such application. No physical segregation of or other discrimination against any child eligible for a free lunch or a reduced price lunch shall be made by the school nor shall there be any overt identification of any child by special tokens or tickets, announced or published lists of names, or by other means. For purposes of this subsection, 'Consumer Price Index' means the Consumer Price Index published each month by the Bureau of Labor Statistics of the Department of Labor.".

Public announcement.

Overt identification, prohibition.

"Consumer Price Index."

(d) Subsection (b) is further amended by adding at the end thereof the following new paragraph (2):

Parents or guardians, unemployment.

"(2) Any child who has a parent or guardian who (A) is responsible for the principal support of such child and (B) is unemployed shall be served a free or reduced price lunch, respectively, during any period (i) in which such child's parent or guardian continues to be unemployed and (ii) the income of the child's parents or guardians during such period of unemployment falls within the income eligibility criteria for free lunches or reduced price lunches, respectively, based on the current rate of income of such parents or guardians. Local school authorities shall publicly announce that such children are eligible for a free or reduced price lunch, and shall make determinations with respect to the status of any parent or guardian of any child under clauses (A) and (B) of the preceding sentence solely on the basis of a statement executed in such form as the Secretary may prescribe by such parent or guardian. No physical segregation of, or other discrimination against, any child eligible for a free or reduced price lunch under this paragraph shall be made by the school nor shall there be any overt identification of any such child by special tokens or

Public announcement.

Overt identification, prohibition.

tickets, announced or published lists of names, or by any other means.".

(e) Subsection (c) is amended by striking out "nonprofit private schools" and inserting in lieu thereof "schools (as defined in section 12(d)(6) of this Act which are private and nonprofit as defined in the last sentence of section 12(d)(6) of this Act)".

NONPROFIT PRIVATE SCHOOLS

42 USC 1759.

SEC. 7. Section 10 of the National School Lunch Act is amended to read as follows:

"DISBURSEMENT TO SCHOOLS BY THE SECRETARY

"SEC. 10. If, in any State, the State educational agency is not permitted by law to disburse the funds paid to it under this Act to any of the schools in the State, or is not permitted by law to match Federal funds made available for use by such schools, the Secretary shall disburse the funds directly to such schools within the State for the same purposes and subject to the same conditions as are authorized or required with respect to the disbursements to schools within the State by the State educational agency, including the requirement that any such payment or payments shall be matched, in the proportion specified in section 7 for such State, by funds from sources within the State expended by such schools within the State participating in the school lunch program under this Act. Such funds shall not be considered a part of the funds constituting the matching funds under the terms of section 7.".

SUBMISSION OF STATE NUTRITION PLAN

42 USC 1759a.

SEC. 8. Section 11 of the National School Lunch Act is amended—

(a) By striking out in paragraph (1) of subsection (e) "Not later than January 1 of each year" and inserting in lieu thereof the following: "Each year by not later than a date specified by the Secretary".

(b) By striking out in paragraph (1) of subsection (e) the word "fiscal" and inserting in lieu thereof the following: "school".

MISCELLANEOUS PROVISIONS AND DEFINITIONS

42 USC 1760.

SEC. 9. (a) Section 12(d) of the National School Lunch Act is amended by striking out paragraph (3) and by redesignating paragraphs (4) through (7) as paragraphs (3) through (6), respectively.

(b) Section 12(d)(1) of the National School Lunch Act is amended by striking out "or American Samoa" and inserting in lieu thereof "American Samoa, or the Trust Territory of the Pacific Islands".

"School."

(c) Section 12(d)(6) of the National School Lunch Act (as redesignated by subsection (a) of this section) is amended to read as follows:

"(6) 'School' means (A) any public or nonprofit private school of high school grade or under, (B) any public or licensed nonprofit private residential child care institution (including, but not limited to, orphanages and homes for the mentally retarded), and (C) with respect to the Commonwealth of Puerto Rico, nonprofit child care centers certified as such by the Governor of Puerto Rico. For purposes of clauses (A) and (B) of this paragraph, the term 'nonprofit', when applied to any such private school or institution, means any such school or institution which

is exempt from tax under section 501(c)(3) of the Internal Revenue Code of 1954.". 26 USC 501.

(d) Section 12 of the National School Lunch Act is amended by adding at the end thereof the following new subsection (e): 42 USC 1760.

"(e) The value of assistance to children under this Act shall not be considered to be income or resources for any purposes under any Federal or State laws, including laws relating to taxation and welfare and public assistance programs.".

COMMODITY DISTRIBUTION PROGRAM

SEC. 10. Section 14 of the National School Lunch Act is amended by inserting "(a)" immediately after the section designation, by striking out "June 30, 1975" and inserting in lieu thereof "September 30, 1977", and by adding at the end thereof the following new subsection: 42 USC 1762a.

"(b) Among the products to be included in the food donations to the school lunch program shall be cereal and shortening and oil products.".

FEDERAL EXPENDITURES

SEC. 11. Section 6 of the National School Lunch Act is amended— 42 USC 1755.

(a) By adding at the end of subsection (a) the following new sentence: "In making purchases of such agricultural commodities and other foods, the Secretary shall not issue specifications which restrict participation of local producers unless such specifications will result in significant advantages to the food service programs authorized by this Act and the Child Nutrition Act of 1966.". 42 USC 1771 note.

(b) By adding at the end of subsection (e) the following new sentence: "Notwithstanding any other provision of this section, not less than 75 per centum of the assistance provided under this subsection (e) shall be in the form of donated foods for the school lunch program.".

ELECTION TO RECEIVE CASH PAYMENTS

SEC. 12. The National School Lunch Act is amended by adding at the end thereof the following new section:

"SEC. 16. (a) Notwithstanding any other provision of law, where a State phased out its commodity distribution facilities prior to June 30, 1974, such State may, for purposes of the programs authorized by this Act and the Child Nutrition Act of 1966, elect to receive cash payments in lieu of donated foods. Where such an election is made, the Secretary shall make cash payments to such State in an amount equivalent in value to the donated foods that the State would otherwise have received if it had retained its commodity distribution facilities. The amount of cash payments in the case of lunches shall be governed by section 6(e) of this Act. 42 USC 1765.

"(b) When such payments are made, the State educational agency shall promptly and equitably disburse any cash it receives in lieu of commodities to eligible schools and institutions, and such disbursements shall be used by such schools and institutions to purchase United States agricultural commodities and other foods for their food service programs.".

SUMMER FOOD PROGRAM

SEC. 13. Effective October 1, 1975, section 13 of the National School Lunch Act is amended to read as follows: Effective date. 42 USC 1761.

"SUMMER FOOD SERVICE PROGRAM FOR CHILDREN

Appropriation authorization.

"SEC. 13. (a)(1) There is hereby authorized to be appropriated such sums as are necessary for the fiscal year ending June 30, 1976, for the period July 1, 1976, through September 30, 1976, and for the fiscal year ending September 30, 1977, to enable the Secretary to formulate and carry out a program to assist States through grants-in-aid and other means, to initiate, maintain, and expand nonprofit food service programs for children in service institutions. For purposes of this section, the term 'service institutions' means nonresidential public or private, nonprofit institutions, and residential public or private nonprofit summer camps that develop special summer programs providing food service similar to that available to children under the school lunch program under this Act or the school breakfast program under the Child Nutrition Act of 1966 during the school year. To the maximum extent feasible, consistent with the purposes of this section, special summer programs shall utilize the existing food service facilities of public and nonprofit private schools. Any eligible service institution shall receive the summer food program upon its request.

"Service institutions."

42 USC 1771 note.

"(2) Service institutions eligible to participate under the program authorized under this section shall be limited to those which conduct a regularly scheduled program for children from areas in which poor economic conditions exist, for any period during the months of May through September, at site locations where organized recreation activities or food services are provided for children in attendance.

"Poor economic conditions."

"(3) For the purposes of this section, 'poor economic conditions' shall mean an area in which at least 33⅓ per centum of the children are eligible for free or reduced price school meals under the National School Lunch Act and Child Nutrition Act as shown by information provided from model city target areas, departments of welfare, zoning commissions, census tracts, by the number of free and reduced price lunches or breakfasts served to children attending schools located in the area of summer food sites, or from other applicable sources.

42 USC 1751 note.

"State."

'State' shall mean any of the 50 States, the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands, Guam, American Samoa, and the Trust Territory of the Pacific Islands.

"(b) Disbursement to service institutions shall equal the full cost of food service operations, except that such financial assistance to any such institution shall not exceed (1) 75.5 cents for all costs excepting administrative costs for each lunch and supper served, (2) 6 cents for administrative costs for each lunch and supper served, (3) 42 cents for all costs except administrative costs for each breakfast served, (4) 3 cents for administrative costs for each breakfast served, (5) 19.75 cents for all costs except administrative costs for each meal supplement served, and (6) 1.5 cents for administrative costs for each meal supplement served: *Provided*, That the above amounts shall be adjusted each March 1 to the nearest one-fourth cent in accordance with changes for the year ending January 31 in the series for food away from home of the Consumer Price Index published by the Bureau of Labor Statistics of the Department of Labor. The initial such adjustment shall reflect the change in the series for food away from home during the period January 31, 1975, to January 31, 1976. The cost of food service operations shall include the cost of obtaining, preparing, and serving food and related administrative costs. No service institution shall be prohibited from serving breakfasts, suppers, and meal supplements as well as lunches unless the service period of different meals coincides or overlaps.

Rate adjustment.

"(c) Disbursements shall be made to service institutions only for meals served during the months of May through September, except that the foregoing provision shall not apply to institutions which develop food service programs for children on school vacation at any time under a continuous school calendar or prevent such institutions, if otherwise eligible, from participating in the program authorized by this section.

"(d) No later than June 1, July 1, and August 1 of each year, the Secretary shall forward to each State an advance payment for meals to be served in that month pursuant to subsection (b), which amount shall be no less than (1) the total payment made to such State for meals served pursuant to subsection (b) for the same calendar month of the preceding calendar year or (2) 65 per centum of the amount estimated by the State, on the basis of approved applications, to be needed to reimburse service institutions for meals to be served pursuant to subsection (b) in that month, whichever is the greater. The Secretary shall forward any remaining payment due pursuant to subsection (b) no later than 60 days following receipt of valid claims. Any funds advanced to a State for which valid claims have not been established within 180 days shall be deducted from the next appropriate monthly advance payment unless the claimant requests a hearing with the Secretary prior to the 180th day. Institutions operating programs during nonsummer vacations during a continuous school year calendar shall receive advance payments not later than the first day of each month involved. Advance payments.

"(e) Service institutions to which funds are disbursed under this section shall serve meals consisting of a combination of foods and meeting minimum nutritional standards prescribed by the Secretary on the basis of tested nutritional research. Such meals shall be served without cost to children attending service institutions approved for operation under this section.

"(f) The Secretary shall publish proposed regulations relating to the implementation of the summer food program by January 1 of each fiscal year, and shall publish final regulations, guidelines, applications, and handbooks by March 1 of each fiscal year. In order to improve program planning, the Secretary is authorized to provide that service institutions receive as startup costs not to exceed 10 per centum of the Federal funds provided such service institutions for meals served pursuant to this section during the preceding summer. Any such startup costs shall be subtracted from payments subsequently made to service institutions for meals served pursuant to subsection (b) of this section. Regulations, publication.

"(g) Each participating service institution shall, insofar as practicable, utilize in its program foods designated from time to time by the Secretary as being in abundance, either nationally or in the institution area, or foods donated by the Secretary. Irrespective of the amount of funds appropriated under this section, foods available under section 416 of the Agricultural Act of 1949 (7 U.S.C. 1431), or purchased under section 32 of the Act of August 24, 1935 (7 U.S.C. 612c), or section 709 of the Food and Agriculture Act of 1965 (7 U.S.C. 1446a-1), shall be donated by the Secretary to service institutions in accordance with the needs as determined by authorities of these institutions for utilization in their feeding programs.

"(h) If in any State the State educational agency is not permitted by law or is otherwise unable to disburse the funds paid to it under this section to any service institution in the State, the Secretary shall disburse the funds directly to service institutions in the State for the

same purpose and subject to the same conditions as are required of a State educational agency disbursing funds made available under this section.

"(i) Expenditures of funds from State and local sources for the maintenance of food programs for children shall not be diminished as a result of funds received under this section.

Appropriation authorization.

"(j) There is hereby authorized to be appropriated such sums as may be necessary for the Secretary's administrative expenses under this section.

"(k) The Secretary shall pay to each State for administrative costs incurred pursuant to this section an amount equal to 2 per centum of the funds distributed to that State pursuant to subsection (b): *Provided*, That no State shall receive less than $10,000 each fiscal year for its administrative costs unless the funds distributed to that State pursuant to subsection (b) total less than $50,000 for such fiscal year.

"(l) Nothing in this section shall be construed as precluding a service institution from contracting on a competitive basis for the furnishing of meals or administration of the program, or both.

Recordkeeping.

"(m) States, State educational agencies, and service institutions participating in programs under this section shall keep such accounts and records as may be necessary to enable the Secretary to determine whether there has been compliance with this section and the regulations hereunder. Such accounts and records shall at all times be available for inspection and audit by representatives of the Secretary and shall be preserved for such period of time, not in excess of 5 years, as the Secretary determines is necessary.".

SPECIAL SUPPLEMENTAL FOOD PROGRAM

Effective date.
42 USC 1786.

SEC. 14. Effective beginning with the fiscal year ending June 30, 1976, section 17 of the Child Nutrition Act of 1966 is revised to read as follows:

"SPECIAL SUPPLEMENTAL FOOD PROGRAM

"SEC. 17. (a) The Congress finds that substantial numbers of pregnant women, infants, and young children are at special risk in respect to their physical and mental health by reason of poor or inadequate nutrition or health care, or both. It is, therefore, the purpose of the program authorized by this section to provide supplemental nutritious food as an adjunct to good health care during such critical times of growth and development in order to prevent the occurrence of health problems.

Cash grants.

"(b)(1) During the fiscal year ending June 30, 1976, the period July 1, 1976, through September 30, 1976, the fiscal year ending September 30, 1977, and the fiscal year ending September 30, 1978, the Secretary shall make cash grants to the health department or comparable agency of each State, Indian tribe, band or group recognized by the Department of the Interior; or the Indian Health Service of the Department of Health, Education, and Welfare for the purpose of providing funds to local health or welfare agencies or private nonprofit agencies of such State; Indian tribe, band, or group recognized by the Department of the Interior; or the Indian Health Service of the Department of Health, Education, and Welfare, serving local health or welfare needs to enable such agencies to carry out health and nutrition programs under which supplemental foods will be made available to pregnant or lactating women and to infants determined by competent professionals to be nutritional risks because of inade-

quate nutrition and inadequate income, in order to improve their health status. The program authorized by this section shall be carried out supplementary to the food stamp and food distribution program and operate side by side with existing supplemental food programs.

"(2) Any eligible local health or welfare agency or private nonprofit agency that applies to operate such a supplemental food program immediately shall be provided with the necessary funds to carry out the program. The requirements set forth herein shall not be construed to permit the Secretary to reduce ratably the amount of foods that an eligible health or welfare agency shall distribute under the program to pregnant or lactating mothers and infants.

Appropriation authorization.

"(c) In order to carry out such program during each fiscal year during the period ending September 30, 1977, there is authorized to be appropriated the sum of $250,000,000, but in the event that such sum has not been appropriated for such purpose by the beginning of each fiscal year, the Secretary shall use $250,000,000, or, if any amount has been appropriated for such program, the difference, if any, between the amount directly appropriated for such purpose and $250,000,000, out of funds appropriated by section 32 of the Act of August 24, 1935 (7 U.S.C. 612c). Any funds expended from such section 32 to carry out the provisions of this section shall be reimbursed out of any supplemental appropriation hereafter enacted for the purpose of carrying out the provisions of such subsection, and such reimbursements shall be deposited into the fund established pursuant to such section 32, to be available for the purpose of such section. In order to carry out the program during the fiscal year ending September 30, 1978, there is authorized to be appropriated not to exceed $250,000,000.

Reimbursement.

Administrative costs.

"(d) Whenever any program is carried out by the Secretary under authority of this section through any State or local or nonprofit agency, he is authorized to pay administrative costs not to exceed 20 per centum of the program funds provided to each State under the authority of this section. Each health department or comparable agency of each State, Indian tribe, band, or group recognized by the Department of the Interior; or the Indian Health Service of the Department of Health, Education, and Welfare receiving funds from the Secretary under this section shall, by January 1 of each year (by December 1 in the case of fiscal year 1976), for approval by the Secretary as a prerequisite to receipt of funds under this section, submit a description of the manner in which administrative funds shall be spent, including, but not limited to, a description of the manner in which nutrition education services will be provided. The Secretary shall take affirmative action to insure that programs begin in areas most in need of special supplemental food. During the first 3 months of any program, or until the program reaches its projected caseload level, whichever comes first, the Secretary shall pay those administrative costs necessary to commence the program successfully.

Participants.

"(e) The eligibility of persons to participate in the program provided for under this section shall be determined by competent professional authority. Participants shall be residents of areas or members of populations served by clinics or other health facilities determined to have significant numbers of infants and pregnant and lactating women at nutritional risk.

"(f) State or local agencies or groups carrying out any programs under this section shall maintain adequate medical records on the participants assisted to enable the Secretary to determine and evaluate the benefits of the nutritional assistance provided under this section. The Secretary shall convene an advisory committee made up of rep-

Advisory committee.

resentatives from the Maternal and Child Health Division of the Department of Health, Education, and Welfare, the Center for Disease Control, the Association of State and Territorial Public Health Nutrition Directors, the American Academy of Pediatrics, the National Academy of Science—National Research Council, the American Dietetic Association, the American Public Health Association, the Public Health Service, and others as the Secretary deems appropriate. The committee shall study the methods available to evaluate successfully and economically, in part or in total, the health benefits of the special supplemental food program. The committee's study shall consider the usefulness of the medical data collected and the methodology used by the Department of Agriculture and the Comptroller General of the United States prior to March 30, 1975. The study shall also include the applicability to an evaluation of the special supplemental food program of other Federal and State health, welfare, and nutrition assessment and surveillance projects currently being conducted. The purpose of the advisory committee shall be to determine and recommend in detail how, using accepted scientific methods, the health benefits of the special supplemental food program may best be evaluated and assessed. The advisory committee shall report its study to the Secretary no later than March 1, 1976. The Secretary shall submit to Congress his recommendations based on such study no later than June 1, 1976.

Report and recommendations, submittal to Congress.

Definitions.

"(g) As used in this section—

"(1) 'Pregnant and lactating women' when used in connection with the term 'at nutritional risk' includes women from low-income populations who demonstrate one or more of the following characteristics: known inadequate nutritional patterns, unacceptably high incidence of anemia, high prematurity rates, or inadequate patterns of growth (underweight, obesity, or stunting). Such term (when used in connection with the term 'at nutritional risk') also includes low-income individuals who have a history of high-risk pregnancy as evidenced by abortion, premature birth, or severe anemia. Such lactating women shall include women who are breast feeding an infant from birth up to one year of age and also all women for a period of six months post partum.

"(2) 'Infants' when used in connection with the term 'at nutritional risk' means children under 5 years of age who are in low-income populations which have shown a deficient pattern of growth, by minimally acceptable standards, as reflected by an excess number of children in the lower percentiles of height and weight. Such term, when used in connection with 'at nutritional risk', may also include children under 5 years of age who (A) are in the parameter of nutritional anemia, or (B) are from low-income populations where nutritional studies have shown inadequate infant diets.

"(3) 'Supplemental foods' shall mean those foods containing nutrients known to be lacking in the diets of populations at nutritional risk and, in particular, those foods and food products containing high-quality protein, iron, calcium, vitamin A, and vitamin C. Such term may also include (at the discretion of the Secretary) any commercially formulated preparation specifically designed for women or infants. The contents of the food package shall be made available in such a manner as to provide flexibility, taking into account medical and nutritional objectives and cultural eating patterns.

"(4) 'Competent professional authority' includes physicians, nutritionists, registered nurses, dietitians, or State or local medically

trained health officials, or persons designated by physicians or State or local medically trained health officials as being competent professionally to evaluate nutritional risk.

"(5) 'Administrative costs' include costs for referral, operation, monitoring, nutrition education, general administration, startup, clinic, and administration of the State office.

"(h)(1) There is hereby established a council to be known as the National Advisory Council on Maternal, Infant, and Fetal Nutrition (hereinafter in this section referred to as the 'Council') which shall be composed of 15 members appointed by the Secretary. One member shall be a State director of the special supplemental food program, 1 member shall be a State fiscal director for the special supplemental food program (or the equivalent thereof), 1 member shall be a State health officer (or equivalent thereof), 1 member shall be a project director of a special supplemental food program in an urban area, 1 member shall be a project director of a special supplemental food program in a rural area, 1 member shall be a State public health nutrition director (or equivalent thereof), 2 members shall be parent recipients of the special supplemental food program, 1 member shall be a pediatrician, 1 member shall be an obstetrician, 1 member shall be a person involved at the retail sales level of food in the special supplemental food program, 2 members shall be officers or employees of the Department of Health, Education, and Welfare, specially qualified to serve on the Council because of their education, training, experience, and knowledge in matters relating to maternal, infant, and fetal nutrition, and 2 members shall be officers or employees of the Department of Agriculture, specially qualified because of their education, training, experience, and knowledge in matters relating to maternal, infant, and fetal nutrition. National Advisory Council on Maternal, Infant, and Fetal Nutrition. Establishment. Membership.

"(2) The 11 members of the Council appointed from outside the Department of Agriculture and the Department of Health, Education, and Welfare shall be appointed for terms of 3 years, except that the 9 members first appointed to the Council shall be appointed as follows: Three members shall be appointed for terms of 3 years, 3 members shall be appointed for terms of 2 years, and 3 members shall be appointed for terms of 1 year. Thereafter all appointments shall be for a term of 3 years, except that a person appointed to fill an unexpired term shall serve only for the remainder of such term. Members appointed from the Department of Agriculture and the Department of Health, Education, and Welfare, shall serve at the pleasure of the Secretary. Terms.

"(3) The Secretary shall designate one of the members to serve as Chairman and one to serve as Vice Chairman of the Council. Chairman.

"(4) The Council shall meet at the call of the Chairman but shall meet at least once a year. Meetings.

"(5) Eight members shall constitute a quorum and a vacancy on the Council shall not affect its powers. Quorum.

"(6) It shall be the function of the Council to make a continuing study of the operation of the special supplemental food program and any related Act under which diet supplementation is provided to women, infants, and children, with a view to determining how such programs may be improved. The Council shall submit to the President and the Congress annually a written report of the results of its study together with such recommendations for administrative and legislative changes as it deems appropriate. Function. Report to the President and Congress.

"(7) The Secretary shall provide the Council with such technical and other assistance, including secretarial and clerical assistance, as may be required to carry out its functions under this Act. Technical assistance.

Travel expenses.

"(8) Members of the Council shall serve without compensation but shall receive reimbursement for necessary travel and subsistence expenses incurred by them in the performance of the duties of the Council.".

AMENDMENTS PERTAINING TO THE COMMONWEALTH OF PUERTO RICO, THE VIRGIN ISLANDS, AMERICAN SAMOA, AND THE TRUST TERRITORY OF THE PACIFIC ISLANDS

42 USC 1772.

SEC. 15. Section 3 of the Child Nutrition Act of 1966 is amended—

(1) By inserting immediately after "Guam," in the second sentence thereof the following: "the Commonwealth of Puerto Rico, the Virgin Islands, American Samoa, the Trust Territory of the Pacific Islands,".

(2) By adding at the end thereof the following new sentence: "Notwithstanding any other provision of this section, in no event shall the minimum rate of reimbursement exceed the cost to the school or institution of milk served to children.".

42 USC 1773.

(b) Section 4(b)(1) of the Child Nutrition Act of 1966 is amended by striking out "and American Samoa," in both places where such term occurs and inserting in lieu thereof "American Samoa, and the Trust Territory of the Pacific Islands,".

42 USC 1784.

(c) Section 15(a) of the Child Nutrition Act of 1966 is amended by striking out "or American Samoa" and inserting in lieu thereof "American Samoa, or the Trust Territory of the Pacific Islands".

CHILD CARE FOOD PROGRAM

SEC. 16. The National School Lunch Act is amended by adding at the end thereof the following new section:

"CHILD CARE FOOD PROGRAM

Appropriation authorization.
42 USC 1766.

"SEC. 17. (a)(1) There is hereby authorized to be appropriated such sums as are necessary for the fiscal year ending June 30, 1976, the period July 1, 1976, through September 30, 1976, the fiscal year ending September 30, 1977, and the fiscal year ending September 30, 1978, to enable the Secretary to formulate and carry out a program to assist States through grants-in-aid and other means to initiate, maintain, or expand nonprofit food service programs for children in institutions providing child care.

"Institution."

"(2) For purposes of this section, the term 'institution' means any public or private nonprofit organization where children are not maintained in permanent residence including, but not limited to, day care centers, settlement houses, recreation centers, family day care programs, Head Start centers, Homestart programs, and institutions providing day care services for handicapped children. No institution shall be eligible to participate in this program unless it has either local, State, or Federal licensing or approval as a child care institution, or can satisfy the Secretary that its standards are no less comprehensive than the Federal interagency day care requirements as approved by the Department of Health, Education, and Welfare, the Office of Economic Opportunity, and the Department of Labor on September 23, 1968. An institution may be approved for funding under this section only if, under conditions established by the Secretary, such institution is moving toward compliance with the requirements for tax exempt status under section 501(c)(3) of the Internal Revenue Code of 1954, or is currently operating a federally funded program

26 USC 501.

requiring nonprofit status. For purposes of this section, the term 'State' means any of the 50 States, the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands, Guam, American Samoa, and the Trust Territory of the Pacific Islands. Any eligible institution shall receive the child care food program upon its request. "State."

"(b) For each fiscal year beginning with the fiscal year ending June 30, 1976, the Secretary shall make child care food payments no less frequently than on a monthly basis to each State educational agency in an amount no less than the sum of the products obtained by multiplying (A) the number of breakfasts served in child care food programs within that State by the national average payment rate for breakfasts under section 4 of the Child Nutrition Act of 1966, (B) the number of breakfasts served in child care food programs within that State to children from families whose incomes meet the eligibility criteria for free school meals by the national average payment rate for free breakfasts under section 4 of the Child Nutrition Act of 1966, (C) the number of breakfasts served in child care food programs within that State to children from families whose incomes meet the eligibility criteria for reduced price school meals by the national average payment rate for reduced price school breakfasts under section 4 of the Child Nutrition Act of 1966, (D) the number of lunches and suppers served in child care food programs within that State by the national average payment rate for lunches under section 4 of the National School Lunch Act, (E) the number of lunches and suppers served in child care food programs within that State to children from families whose incomes meet the eligibility criteria for free school meals by the national average payment rate for free school lunches under section 11 of the National School Lunch Act, (F) the number of lunches and suppers served in child care food programs in that State to children whose families meet the eligibility criteria for reduced price school meals by the national average payment factor for reduced price lunches under section 11 of the National School Lunch Act, (G) the number of snacks served in child care food programs in that State by 5 cents, (H) the number of snacks served in child care food programs in that State to children from families whose incomes meet the eligibility criteria for free school meals by 15 cents, and (I) the number of snacks served in child care food programs in that State to children from families whose incomes meet the eligibility criteria for reduced price school meals by 10 cents. The rates established pursuant to clauses (G), (H), and (I) shall be adjusted semiannually to the nearest one-fourth cent by the Secretary to reflect the changes in the series for food away from home of the Consumer Price Index published by the Bureau of Labor Statistics of the Department of Labor. The initial such adjustment shall become effective January 1, 1976, and shall reflect changes in the series for food away from home during the period June through November 1975. Reimbursement for meals provided under this section shall not be dependent upon the collection of moneys from participating children.

Payments, computation.

42 USC 1773.

42 USC 1753.

42 USC 1759a.

Rate adjustment.

"(c) Meals served by institutions participating in the program under this section shall consist of a combination of foods and shall meet minimum nutritional requirements prescribed by the Secretary on the basis of tested nutritional research. Such meals shall be served free to needy children. No physical segregation or other discrimination against any child shall be made because of his inability to pay, nor shall there be any overt identification of any such child by special tokens or tickets, announced or published lists of names, or other

Overt identification, prohibition.

means. No institution shall be prohibited from serving a breakfast, lunch, dinner, and snack to each eligible child each day.

"(d) Funds paid to any State under this section shall be disbursed by the State educational agency to institutions approved for participation on a nondiscriminatory basis to reimburse such institutions for their costs in connection with food service operations, including labor and administrative expenses. All valid claims from such institutions shall be paid within 30 days.

Commodities, donation.

"(e) Irrespective of the amount of funds appropriated under this section, foods available under section 416 of the Agricultural Act of 1949 (7 U.S.C. 1431) or purchased under section 32 of the Act of August 24, 1935 (7 U.S.C. 612c), or section 709 of the Food and Agriculture Act of 1965 (7 U.S.C. 1446a-1), shall be donated by the Secretary of Agriculture to institutions participating in the child care food program in accordance with the needs as determined by authorities of these institutions for utilization in their feeding programs. The amount of such commodities (or, upon the application of a State educational agency, cash in lieu of commodities in such amounts as may be provided in appropriations Acts) donated to each State for each fiscal year shall be, at a minimum, the amount obtained by multiplying the number of lunches and suppers served in participating institutions during that fiscal year by the rate for commodities and cash in lieu thereof established for that fiscal year in accordance with the provisions of section 6(e) of the National School Lunch Act.

42 USC 1755.

"(f) If in any State the State educational agency is not permitted by law or is otherwise unable to disburse the funds paid to it under this section to any institution in the State, the Secretary shall disburse the funds so withheld directly to institutions in the State for the same purpose and subject to the same conditions as are required of a State educational agency disbursing funds made available under this section.

"(g) Expenditures of funds from State and local sources for the maintenance of food programs for children shall not be diminished as a result of funds received under this section.

Appropriation authorization.

"(h) There is hereby authorized to be appropriated for any fiscal year such sums as may be necessary for the Secretary's administrative expenses under this section.

Recordkeeping.

"(i) States, State educational agencies, and institutions participating in programs under this section shall keep such accounts and records as may be necessary to enable the Secretary to determine whether there has been compliance with this section and the regulations hereunder. Such accounts and records shall at all times be available for inspection and audit by representatives of the Secretary and shall be preserved for such period of time, not in excess of 5 years, as the Secretary determines is necessary.

"(j)(1) Of the sums appropriated for any fiscal year pursuant to the authorization contained in this section, $3,000,000 shall be available to the Secretary for the purposes of providing, during each such fiscal year, nonfood assistance for the child care food program. The Secretary shall apportion among the States during each fiscal year the aforesaid sum of $3,000,000: *Provided*, That such an apportionment shall be made according to the ratio among the States of the number of children below age 6 who are members of households which have an annual income not above 125 per centum of the applicable family-size income level set forth in the income poverty guideline prescribed by the Secretary under section 9(b) of this Act.

Apportionment of funds.

"(2) If any State cannot utilize all of the funds apportioned to it under the provisions of this section, the Secretary shall make further apportionments to the remaining States. Payments to any State of funds apportioned under the provisions of this subsection for any fiscal year shall be made upon condition that at least one-fourth of the cost of equipment financed under this section shall be borne by funds from sources within the State, except that such condition shall not apply with respect to funds used under this section to assist institutions determined by the State to be especially needy.

"(k) The regulations issued by the Secretary to carry out this section shall be issued and become effective not later than 90 days after the date of enactment of the National School Lunch Act and Child Nutrition Act of 1966 Amendments of 1975. During the period prior to the effective date of the regulations, the Secretary is authorized to conduct a food service program in the same manner and under the same conditions and limitations as the special food service program for children was conducted under section 13 of the National School Lunch Act during the fiscal year ending June 30, 1975. Notwithstanding the foregoing, the child care food payment rates provided in subsection (b) of this section and the provisions of subsection (e) of this section shall become effective on the date of enactment of the National School Lunch Act and Child Nutrition Act of 1966 Amendments of 1975.". Regulations, effective date. 42 USC 1761. Effective date.

CONFORMING AMENDMENTS

SEC. 17. (a) Section 4(f) of the Child Nutrition Act of 1966 is amended by striking out "nonprofit private schools" in the second sentence and inserting in lieu thereof "schools (as defined in section 15(c) of this Act which are private and nonprofit as defined in the last sentence of section 15(c) of this Act)". 42 USC 1773.

(b) Section 15 of the Child Nutrition Act of 1966 is amended by striking out paragraph (c), by redesignating paragraphs (d) and (e) as (c) and (d), respectively, and by amending paragraph (c) (as redesignated by this subsection) to read as follows: 42 USC 1784.

"(c) 'School' means (A) any public or nonprofit private school of high school grade or under, including kindergarten and preschool programs operated by such school, (B) any public or licensed nonprofit private residential child care institution (including, but not limited to, orphanages and homes for the mentally retarded), and (C) with respect to the Commonwealth of Puerto Rico, nonprofit child care centers certified as such by the Governor of Puerto Rico. For purposes of clauses (A) and (B) of this subsection, the term 'nonprofit', when applied to any such private school or institution, means any such school or institution which is exempt from tax under section 501(c)(3) of the Internal Revenue Code of 1954.". "School." "Nonprofit." 26 USC 501.

NONFOOD ASSISTANCE PROGRAM

SEC. 18. Section 5 of the Child Nutrition Act of 1966 is amended— 42 USC 1774.

(a) By changing the period at the end of subsection (b) to a comma and adding the following: "except that such conditions shall not apply with respect to funds used under this section to assist schools if such schools are especially needy, as determined by the State.".

(b) Effective beginning with the fiscal year ending June 30, 1976, by changing subsection (e) to read as follows: Effective date.

"(e) For the fiscal year ending June 30, 1976, the period July 1, 1976, through September 30, 1976, and the fiscal year ending Septem-

Apportionment of funds.

ber 30, 1977, 33⅓ per centum of the funds appropriated for the purposes of this section shall be reserved to the Secretary to assist schools without a food service program and schools without the facilities to prepare or receive hot meals. For the fiscal year ending June 30, 1976, the Secretary shall apportion the funds so reserved among the States on the basis of the ratio of the number of children in each State enrolled in schools without a food service program to the number of children in all States enrolled in schools without a food service program. After the fiscal year ending June 30, 1976, the Secretary shall apportion the funds so reserved among the States on the basis of the ratio of the number of children in each State enrolled in schools without a food service program and in schools without the facilities to prepare or receive hot meals to the number of children in all States enrolled in schools without a food service program and in schools without the facilities to prepare or receive hot meals. In those States in which the Secretary administers the nonfood assistance program in nonprofit private schools, the Secretary shall, for the fiscal year ending June 30, 1976, withhold from the funds apportioned to any such State under this subsection an amount which bears the same ratio to such funds as the number of children enrolled in nonprofit private schools without a food service program in such State bears to the total number of children enrolled in all schools without a food service program in such State. In those States in which the Secretary administers the nonfood assistance program in nonprofit private schools, the Secretary shall, after the fiscal year ending June 30, 1976, withhold from the funds apportioned to any such State under this subsection an amount which bears the same ratio to such funds as the number of children enrolled in nonprofit private schools without a food service program or without the facilities to prepare or receive hot meals in such State bears to the total number of children enrolled in all schools without a food service program or without the facilities to prepare or receive hot meals in such State. The funds so reserved, apportioned, and withheld shall be used by State educational agencies, or the Secretary in the case of nonprofit private schools, only to assist schools without a food service program and schools without the facilities to prepare or receive hot meals. If any State cannot so utilize all the funds apportioned to it under the provisions of this subsection, the Secretary shall make further apportionments to the remaining States for use only in assisting schools without a food service program and schools without the facilities to prepare or receive hot meals: *Provided*, That if after such further apportionments any funds reserved under this subsection remain unused, the Secretary shall immediately apportion such funds among the States in accordance with the provisions of subsection (b) of this section to assist schools with a food service program and with the facilities to prepare or receive hot meals. Payment to any State of the funds provided to it under the provisions of this subsection shall be made upon the condition that at least one-fourth of the cost of the equipment financed shall be borne by funds from sources within the State, except that such condition shall not apply with respect to funds used under this subsection to assist schools which are especially needy, as determined by the State."

NUTRITION STUDY

SEC. 19. The National School Lunch Act is amended by adding at the end thereof the following new section:

"NUTRITION PROGRAM STAFF STUDY

"SEC. 18. The Secretary is authorized to carry out a study to determine how States are utilizing Federal funds provided to them for the administration of the child nutrition programs authorized by this Act and the Child Nutrition Act of 1966, and to determine the level of funds needed by the States for administrative purposes. The study shall report on the current size and structure of State staffs, job descriptions and classifications, training provided to such staff, representation of minorities on staffs, and the allocation of staff time, training time, and Federal administrative dollars spent among each of the various child nutrition programs. The study shall assess State needs for additional staff positions, training, and funds, for each of the above areas, including additional State needs to implement adequately the provisions of this Act and the Child Nutrition Act of 1966. The study shall also determine State staffing needs and training program support required to conduct effective outreach for the purpose of reaching the maximum number of eligible children in the summer food service program and the child care food program. As part of this study, the Secretary shall also examine the degree and cause of plate waste in the school lunch program. The Secretary shall examine possible relationships between plate waste and (1) lack of adequate menu development, (2) the service of competitive foods, and (3) the nature of the type A lunch pattern. The Secretary shall review the study design with the appropriate congressional committees prior to its implementation, and shall report his findings together with any recommendations he may have with respect to additional legislation, to the Congress no later than March 1, 1976.".

42 USC 1767.

42 USC 1771 note.

Report to Congress. Legislative recommendations.

SPECIAL APPROPRIATION

SEC. 20. The National School Lunch Act is amended by adding at the end thereof the following new section:

"APPROPRIATIONS FOR THE TRUST TERRITORY OF THE PACIFIC ISLANDS

"SEC. 19. There is hereby authorized to be appropriated (a) for each of the fiscal years beginning July 1, 1975, and October 1, 1976, the sum of $500,000 and (b) for the period July 1, 1976, through September 30, 1976, the sum of $125,000, to enable the Secretary to assist the Trust Territory of the Pacific Islands to carry out various developmental and experimental projects relating to programs authorized under this Act and the Child Nutrition Act of 1966 to (1) establish or improve the organizational, administrative, and operational structures and systems at the State and local school levels; (2) develop and conduct necessary training programs for school food service personnel; (3) conduct a thorough study of the children's food and dietary habits upon which special meal and nutritional requirements can be developed; and (4) establish and maintain viable school food services which are fully responsive to the needs of the children, and which are consistent with the range of child nutrition programs available to the other States, to the maximum extent possible.".

Appropriation authorization. 42 USC 1768.

STUDY OF COST ACCOUNTING REQUIREMENTS

SEC. 21. (a) The Secretary shall not delay or withhold, or cause any State to delay or withhold, payments for reimbursement of per-meal costs with respect to school food service programs authorized

42 USC 1760 note.

42 USC 1751 note. 42 USC 1771 note.

pursuant to the National School Lunch Act and Child Nutrition Act of 1966 on the basis of noncompliance with full cost accounting procedures unless and until the requirements of subsection (b) of this section are met.

Study. Report to Congress.

(b) The Secretary shall study the additional personnel and training needs of States, local school districts, and schools resulting from the imposition of a requirement to implement full cost accounting procedures under the National School Lunch Act and Child Nutrition Act of 1966, and, on the basis of the results of such study, shall within one year after the date of enactment of this Act, submit a report and make such legislative recommendations as he deems necessary to the appropriate committees of the Congress.

TECHNICAL AMENDMENT

Repeal.

SEC. 22. The National School Lunch Act is amended by striking out the following:

42 USC 1764.

"SEC. 15. (a) In addition to funds appropriated or otherwise available, the Secretary is authorized to use, during the fiscal year ending June 30, 1971, not to exceed $35,000,000 in funds from Section 32 of the Act of August 24, 1935 (7 U.S.C. 612c), to carry out the provisions of this Act, and during the fiscal year ending June 30, 1972, not to exceed $100,000,000 in funds from such Section 32 to carry out the provisions of this Act relating to the service of free and reduced-price meals to needy children in schools and service institutions.

"(b) Any funds unexpended under this section at the end of the fiscal year ending June 30, 1971, or at the end of the fiscal year ending June 30, 1972, shall remain available to the Secretary in accordance with the last sentence of section 3 of this Act, as amended.".

CASH GRANTS FOR NUTRITION EDUCATION

SEC. 23. The Child Nutrition Act of 1966 is amended by adding at the end thereof the following new section:

42 USC 1787.

"SEC. 18. (a) The Secretary is hereby authorized and directed to make cash grants to State educational agencies for the purpose of conducting experimental or demonstration projects to teach schoolchildren the nutritional value of foods and the relationship of nutrition to human health.

Appropriation authorization.

"(b) In order to carry out the program, provided for in subsection (a) of this section, there is hereby authorized to be appropriated not to exceed $1,000,000 annually. The Secretary shall withhold not less than 1 per centum of any funds appropriated under this section and shall expend these funds to carry out research and development projects relevant to the purpose of this section, particularly to develop

materials and techniques for the innovative presentation of nutritional information.".

TECHNICAL AMENDMENT

SEC. 24. Section 3 of the National School Lunch Act is amended by striking out "section 13" and inserting in lieu thereof "sections 13, 17 and 19". 42 USC 1752.

CARL ALBERT
Speaker of the House of Representatives.

DALE BUMPERS
Acting President of the Senate pro tempore.

IN THE HOUSE OF REPRESENTATIVES, U.S.,
October 7, 1975.

The House of Representatives having proceeded to reconsider the bill (H.R. 4222) entitled "An Act to amend the National School Lunch Act and the Child Nutrition Act of 1966 in order to extend and revise the special food service program for children and the school breakfast program, and for other purposes related to strengthening the school lunch and child nutrition programs", returned by the President of the United States with his objections, to the House of Representatives, in which it originated, it was

Resolved, That the said bill pass, two-thirds of the House of Representatives agreeing to pass the same.

Attest:

W. PAT JENNINGS
Clerk.

By Benjamin J. Guthrie
Assistant to the Clerk.

I certify that this Act originated in the House of representatives.

W. PAT JENNINGS
Clerk.

By Benjamin J. Guthrie
Assistant to the Clerk.

IN THE SENATE OF THE UNITED STATES,
October 7 (legislative day, September 11), 1975.

The Senate having proceeded to reconsider the bill (H.R. 4222) entitled "An Act to amend the National School Lunch Act and the Child Nutrition Act of 1966 in order to extend and revise the special food service program for children and the school breakfast program, and for other purposes related to strengthening the school lunch and child nutrition programs", returned by the President of the United States with his objections to the House of Representatives, in which it originated, it was

Resolved, That the said bill pass, two-thirds of the Senators present having voted in the affirmative.

Attest:

FRANCIS R. VALEO
Secretary.

LEGISLATIVE HISTORY:

HOUSE REPORTS: No. 94–68 (Comm. on Education and Labor) and Nos. 94–427 and 94–474 (Comm. of Conference).
SENATE REPORTS: No. 94–259 (Comm. on Agriculture and Forestry) and Nos. 94–347 and 94–379 (Comm. of Conference).
CONGRESSIONAL RECORD, Vol. 121 (1975):
Mar. 24, 25, Apr. 28, considered and passed House.
July 10, considered and passed Senate, amended.
Sept. 18, House agreed to conference report.
Sept. 19, Senate agreed to conference report.
WEEKLY COMPILATION OF PRESIDENTIAL DOCUMENTS, Vol. 11, No. 40:
Oct. 3, vetoed; Presidential message.
CONGRESSIONAL RECORD, Vol. 121 (1975):
Oct. 7, House and Senate overrode veto.

Public Law 94-106
94th Congress

An Act

Oct. 7, 1975
[H.R. 6674]

To authorize appropriations during the fiscal year 1976, and the period beginning July 1, 1976, and ending September 30, 1976, for procurement of aircraft, missiles, naval vessels, tracked combat vehicles, torpedoes, and other weapons, and research, development, test and evaluation for the Armed Forces, and to prescribe the authorized personnel strength for each active duty component and of the Selected Reserve of each Reserve component of the Armed Forces and of civilian personnel of the Department of Defense, and to authorize the military training student loads and for other purposes.

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

Department of Defense Appropriation Authorization Act, 1976.

TITLE I—PROCUREMENT

SEC. 101. Funds are hereby authorized to be appropriated during the fiscal year 1976 for the use of the Armed Forces of the United States for procurement of aircraft, missiles, naval vessels, tracked combat vehicles, torpedoes, and other weapons, as authorized by law, in amounts as follows:

AIRCRAFT

For aircraft: for the Army, $337,500,000; for the Navy and the Marine Corps, $2,997,800,000; for the Air Force, $4,119,000,000, of which amount not to exceed $64,000,000 is authorized for the procurement of only long lead items for the B-1 bomber aircraft. None of the funds authorized by this Act may be obligated or expended for the purpose of entering into any production contract or any other contractual arrangement for production of the B-1 bomber aircraft unless the production of such aircraft is hereafter authorized by law. The funds authorized in this Act for long lead items for the B-1 bomber aircraft do not constitute a production decision or a commitment on the part of Congress for the future production of such aircraft.

MISSILES

For missiles: for the Army, $431,000,000; for the Navy, $990,400,000; for the Marine Corps, $52,900,000; for the Air Force, $1,765,000,000, of which $265,800,000 shall be used only for the procurement of Minuteman III missiles.

NAVAL VESSELS

For Naval vessels: for the Navy, $3,899,400,000.

TRACKED COMBAT VEHICLES

For tracked combat vehicles: for the Army, $864,000,000, of which $379,400,000 shall be used only for the procurement of M-60 series tanks; for the Marine Corps, $101,500,000.

TORPEDOES

For torpedoes and related support equipment: for the Navy, $189,500,000.

OTHER WEAPONS

For other weapons: for the Army, $74,300,000; for the Navy, $17,700,000; for the Marine Corps, $100,000.

TITLE II—RESEARCH, DEVELOPMENT, TEST, AND EVALUATION

SEC. 201. Funds are hereby authorized to be appropriated during the fiscal year 1976 for the use of the Armed Forces of the United States for research, development, test, and evaluation, as authorized by law, in amounts as follows:

For the Army, $2,028,933,000;

For the Navy (including the Marine Corps), $3,318,649,000;

For the Air Force, $3,737,001,000; and

For the Defense Agencies, $588,700,000, of which $25,000,000 is authorized for the activities of the Director of Test and Evaluation, Defense.

TITLE III—ACTIVE FORCES

SEC. 301. (a) For the fiscal year beginning July 1, 1975, and ending June 30, 1976, each component of the Armed Forces is authorized an end strength for active duty personnel as follows:

(1) The Army, 785,000;

(2) The Navy, 528,651;

(3) The Marine Corps, 196,303;

(4) The Air Force, 590,000.

Reduction.

(b) The end strength for active duty personnel prescribed in subsection (a) of this section shall be reduced by 9,000. Such reduction shall be apportioned among the Army, Navy, including the Marine Corps, and the Air Force in such numbers as the Secretary of Defense shall prescribe. The Secretary of Defense shall report to Congress within 60 days after the date of enactment of this Act on the manner in which this reduction is to be apportioned among the Armed Forces and shall include the rationale for each reduction.

Report to Congress.

TITLE IV—RESERVE FORCES

SEC. 401. (a) For the fiscal year beginning July 1, 1975, and ending June 30, 1976, the Selected Reserve of each Reserve component of the Armed Forces shall be programed to attain an average strength of not less than the following:

(1) The Army National Guard of the United States, 400,000;

(2) The Army Reserve, 219,000;

(3) The Naval Reserve, 106,000;

(4) The Marine Corps Reserve, 32,481;

(5) The Air National Guard of the United States, 94,879;

(6) The Air Force Reserve, 51,789;

(7) The Coast Guard Reserve, 11,700.

Reduction.

(b) The average strength prescribed by subsection (a) of this section for the Selected Reserve of any Reserve component shall be proportionately reduced by (1) the total authorized strength of units

organized to serve as units of the Selected Reserve of such component which are on active duty (other than for training) at any time during the fiscal year; and (2) the total number of individual members not in units organized to serve as units of the Selected Reserve of such component who are on active duty (other than for training or for unsatisfactory participation in training) without their consent at any time during the fiscal year. Whenever such units or such individual members are released from active duty during any fiscal year, the average strength prescribed for such fiscal year for the Selected Reserve of such Reserve component shall be proportionately increased by the total authorized strength of such units and by the total number of such individual members.

TITLE V—CIVILIAN PERSONNEL

SEC. 501. (a) For the fiscal year beginning July 1, 1975, and ending June 30, 1976, the Department of Defense is authorized an end strength for civilian personnel of 1,058,000.

(b) The end strength for civilian personnel prescribed in subsection (a) of this section shall be apportioned among the Department of the Army, the Department of the Navy, including the Marine Corps, the Department of the Air Force, and the agencies of the Department of Defense (other than the military departments) in such numbers as the Secretary of Defense shall prescribe. The Secretary of Defense shall report to the Congress within 60 days after the date of enactment of this Act on the manner in which the allocation of civilian personnel is made among the military departments and the agencies of the Department of Defense (other than the military departments) and shall include the rationale for each allocation.

Report to Congress.

(c) In computing the authorized end strength for civilian personnel there shall be included all direct-hire and indirect-hire civilian personnel employed to perform military functions administered by the Department of Defense (other than those performed by the National Security Agency) whether employed on a full-time, part-time, or intermittent basis, but excluding special employment categories for students and disadvantaged youth such as the stay-in-school campaign, the temporary summer aid program and the Federal junior fellowship program and personnel participating in the worker-trainee opportunity program. Whenever a function, power, or duty, or activity is transferred or assigned to a department or agency of the Department of Defense from a department or agency outside of the Department of Defense or from a department or agency within the Department of Defense, the civilian personnel end strength authorized for such departments or agencies of the Department of Defense affected shall be adjusted to reflect any increases or decreases in civilian personnel required as a result of such transfer or assignment.

(d) When the Secretary of Defense determines that such action is necessary in the national interest, he may authorize the employment of civilian personnel in excess of the number authorized by subsection (a) of this section but such additional number may not exceed one-half of one per centum of the total number of civilian personnel authorized for the Department of Defense by subsection (a) of this section. The Secretary of Defense shall promptly notify the Congress of any authorization to increase civilian personnel strength under the authority of this subsection.

Notice to Congress.

TITLE VI—MILITARY TRAINING STUDENT LOADS

SEC. 601. (a) For the fiscal year beginning July 1, 1975, and ending June 30, 1976, each component of the Armed Forces is authorized an average military training student load as follows:

(1) The Army, 83,101;
(2) The Navy, 69,513;
(3) The Marine Corps, 26,489;
(4) The Air Force, 51,225;
(5) The Army National Guard of the United States, 9,788;
(6) The Army Reserve, 7,359;
(7) The Naval Reserve, 1,661;
(8) The Marine Corps Reserve, 2,769;
(9) The Air National Guard of the United States, 1,952; and
(10) The Air Force Reserve, 810.

(b) The average military training student loads for the Army, the Navy, the Marine Corps, and the Air Force and the Reserve components prescribed in subsection (a) of this section for the fiscal year ending June 30, 1976, shall be adjusted consistent with the manpower strengths provided in titles III, IV, and V of this Act. Such adjustment shall be apportioned among the Army, the Navy, the Marine Corps, and the Air Force and the Reserve Components in such manner as the Secretary of Defense shall prescribe.

TITLE VII—AUTHORIZATION FOR THE PERIOD BEGINNING JULY 1, 1976, AND ENDING SEPTEMBER 30, 1976

SEC. 701. PROCUREMENT.—Funds are hereby authorized to be appropriated for the period July 1, 1976, to September 30, 1976, for the use of the Armed Forces of the United States for procurement of aircraft, missiles, naval vessels, tracked combat vehicles, torpedoes, and other weapons, as authorized by law, in amounts as follows:

AIRCRAFT

For aircraft: for the Army, $59,400,000; for the Navy and the Marine Corps, $585,500,000; for the Air Force, $858,000,000, of which amount not to exceed $23,000,000 is authorized for the procurement of only long lead items for the B-1 bomber aircraft.

MISSILES

For missiles: for the Army, $56,500,000; for the Navy, $308,600,000; for the Marine Corps, $10,700,000; for the Air Force, $252,200,000.

Naval Vessels

For naval vessels: for the Navy, $474,200,000.

TRACKED COMBAT VEHICLES

For tracked combat vehicles: for the Army, $245,300,000, of which $133,000,000 shall be used only for the procurement of M-60 series tanks; for the Marine Corps, $400,000.

TORPEDOES

For torpedoes and related support equipment: for the Navy, $19,200,000.

OTHER WEAPONS

For other weapons: for the Army, $9,700,000; for the Navy, $1,400,000.

SEC. 702. RESEARCH, DEVELOPMENT, TEST, AND EVALUATION.—Funds are hereby authorized to be appropriated for the period July 1, 1976, to September 30, 1976, for the use of the Armed Forces of the United States for research, development, test, and evaluation, as authorized by law, in amounts as follows:

For the Army, $513,326,000;

For the Navy (including the Marine Corps), $849,746,000;

For the Air Force, $965,783,000; and

For the Defense Agencies, $144,768,000, of which $5,000,000 is authorized for the activities of the Director of Test and Evaluation Defense.

SEC. 703. ACTIVE FORCES.—(a) For the period beginning July 1, 1976, and ending September 30, 1976, each component of the Armed Forces is authorized an end strength for active duty personnel as follows:

(1) The Army, 793,000;
(2) The Navy, 535,860;
(3) The Marine Corps, 196,498;
(4) The Air Force, 590,000.

(b) The end strength for active duty personnel prescribed in subsection (a) of this section shall be reduced by 9,000. Such reduction shall be apportioned among the Army, Navy, including the Marine Corps, and Air Force in such numbers as the Secretary of Defense shall prescribe. The Secretary of Defense shall report to Congress within 60 days after the date of enactment of this Act on the manner in which this reduction is to be apportioned among the Armed Forces and shall include the rationale for each reduction. Reduction. Report to Congress.

SEC. 704. RESERVE FORCES.—(a) For the period beginning July 1, 1976, and ending September 30, 1976, the Selected Reserve of each Reserve component of the Armed Forces shall be programed to attain an average strength of not less than the following:

(1) The Army National Guard of the United States, 400,000;
(2) The Army Reserve, 219,000;
(3) The Naval Reserve, 106,000;
(4) The Marine Corps Reserve, 33,013;
(5) The Air National Guard of the United States, 94,543;
(6) The Air Force Reserve, 53,642;
(7) The Coast Guard Reserve, 11,700.

(b) The average strength prescribed by subsection (a) of this section for the Selected Reserve of any Reserve component shall be proportionately reduced by (1) the total authorized strength of units organized to serve as units of the Selected Reserve of such component which are on active duty (other than for training) at any time during the period; and (2) the total number of individual members not in units organized to serve as units of the Selected Reserve of such component who are on active duty (other than for training or for unsatisfactory participation in training) without their consent at any time during the period. Whenever such units or such individual members are released from active duty during the period, the average strength for such period for the Selected Reserve of such Reserve component shall be proportionately increased by the total authorized strength of such units and by the total number of such individual members. Reduction.

SEC. 705. CIVILIAN PERSONNEL.—(a) For the period beginning July 1, 1976, and ending September 30, 1976, the Department of

Defense is authorized an end strength for civilian personnel of 1,064,400.

(b) The end strength for civilian personnel prescribed in subsection (a) of this section shall be apportioned among the Department of the Army, the Department of the Navy, including the Marine Corps, the Department of the Air Force, and the agencies of the Department of Defense (other than the military departments) in such numbers as the Secretary of Defense shall prescribe. The Secretary of Defense shall report to the Congress within 60 days after the date of enactment of this Act on the manner in which the allocation of civilian personnel is made among the military departments and the agencies of the Department of Defense (other than the military departments) and shall include the rationale for each allocation.

Report to Congress.

(c) In computing the authorized end strength for civilian personnel there shall be included all direct-hire and indirect hire civilian personnel employed to perform military functions administered by the Department of Defense (other than those performed by the National Security Agency) whether employed on a full-time, part-time, or intermittent basis, but excluding special employment categories for students and disadvantaged youth such as the stay-in-school campaign, the temporary summer aid program and the Federal junior fellowship program and personnel participating in the worker-trainee opportunity program. Whenever a function, power, or duty or activity is transferred or assigned to a department or agency of the Department of Defense from a department or agency outside of the Department of Defense or from a department or agency within the Department of Defense, the civilian personnel end strength authorized for such departments or agencies of the Department of Defense affected shall be adjusted to reflect any increases or decreases in civilian personnel required as a result of such transfer or assignment.

(d) When the Secretary of Defense determines that such action is necessary in the national interest, he may authorize the employment of civilian personnel in excess of the number authorized by subsection (a) of this section, but such additional number may not exceed one-half of 1 per centum of the total number of civilian personnel authorized for the Department of Defense by subsection (a) of this section. The Secretary of Defense shall promptly notify the Congress of any authorization to increase civilian personnel strength under the authority of this subsection.

Notice to Congress.

SEC. 706. MILITARY TRAINING STUDENT LOADS.—(a) For the period beginning July 1, 1976, and ending September 30, 1976, each component of the Armed Forces is authorized an average military training student load as follows:

(1) The Army, 75,185;
(2) The Navy, 70,571;
(3) The Marine Corps, 26,788;
(4) The Air Force, 52,280;
(5) The Army National Guard of the United States, 9,481;
(6) The Army Reserve, 5,518;
(7) The Naval Reserve, 2,106;
(8) The Marine Corps Reserve, 4,088;
(9) The Air National Guard of the United States, 2,180; and
(10) The Air Force Reserve, 836.

(b) The average military training student loads for the Army, the Navy, the Marine Corps, and the Air Force and the Reserve components prescribed in subsection (a) of this section for the period beginning July 1, 1976, and ending September 30, 1976, shall be adjusted consistent with the manpower strengths provided in sections

703, 704, and 705 of this Act. Such adjustment shall be apportioned among the Army, the Navy, the Marine Corps, and the Air Force and the Reserve components in such manner as the Secretary of Defense shall prescribe.

TITLE VIII—GENERAL PROVISIONS

SEC. 801. (a) Section 138 of title 10, United States Code, is amended as follows:

(1) Subsection (a) of such section is amended—

(A) by striking out "or" at the end of paragraph (4);

(B) by inserting "or" after the semicolon at the end of paragraph (5); and

(C) by inserting immediately after paragraph (5) the following new paragraph:

"(6) military construction (as defined in subsection (e) of this section);".

(2) Such section is amended by adding at the end thereof the following new subsection: "Military construction."

"(e) For purposes of subsection (a)(6) of this section, the term 'military construction' includes any construction, development, conversion, or extension of any kind which is carried out with respect to any military facility or installation (including any Government-owned or Government-leased industrial facility used for the production of defense articles and any facility to which section 2353 of this title applies) but excludes any activity to which section 2673 or 2674, or chapter 133, of this title apply, or to which section 406(a) of Public Law 85-241 (71 Stat. 556) applies.". 42 USC 1594i.

(b) The amendment provided by paragraph (2) of subsection (a) above with respect to funds not heretofore required to be authorized shall only apply to funds authorized for appropriation for fiscal year 1977 and thereafter. 10 USC 138 note.

SEC. 802. (a) The second sentence of section 511(d) of title 10, United States Code, is amended by striking out "four months" and inserting in lieu thereof "twelve weeks".

(b) Section 671 of title 10, United States Code, is amended by striking out "four months" and inserting in lieu thereof "twelve weeks".

(c) The sixth paragraph of section 4(a) of the Military Selective Service Act (50 U.S.C. App. 454(a)) is amended by striking out "four months" each time it appears in such paragraph and inserting in lieu thereof in each case "twelve weeks".

(d) The third sentence of section 6(c)(2)(A) of the Military Selective Service Act (50 U.S.C. App. 456(c)(2)(A)) is amended by striking out "four consecutive months" and inserting in lieu thereof "twelve consecutive weeks".

SEC. 803. (a) Notwithstanding any other provision of law, in the administration of chapter 403 of title 10, United States Code (relating to the United States Military Academy), chapter 603 of such title (relating to the United States Naval Academy), and chapter 903 of such title (relating to the United States Air Force Academy), the Secretary of the military department concerned shall take such action as may be necessary and appropriate to insure that (1) female individuals shall be eligible for appointment and admission to the service academy concerned, beginning with appointments to such academy for the class beginning in calendar year 1976, and (2) the academic and other relevant standards required for appointment, admission, train- 10 USC 4342 note.

ing, graduation, and commissioning of female individuals shall be the same as those required for male individuals, except for those minimum essential adjustments in such standards required because of physiological differences between male and female individuals.

(b) Title 10, United States Code, is amended as follows:

(1) Sections 4342, 6954, and 9342 are each amended by striking out the word "sons" wherever it appears therein and inserting in place thereof in each instance the word "children".

(2) Section 6956(d) is amended by striking out the word "men" wherever it appears therein and inserting in place thereof in each instance the word "members".

10 USC 4342 note.

(c) It is the sense of Congress that, subject to the provisions of subsection (a), the Secretaries of the military departments shall, under the direction of the Secretary of Defense, continue to exercise the authority granted them in chapters 403, 603 and 903 of title 10, United States Code, but such authority must be exercised within a program providing for the orderly and expeditious admission of women to the academies, consistent with the needs of the services, with the implementation of such program upon enactment of this Act.

SEC. 804. (a) Chapter 4 of title 10, United States Code, is amended by adding the following new section after section 139 and inserting a corresponding item in the chapter analysis:

10 USC 140.

"§ 140. Emergencies and extraordinary expenses

"(a) Subject to the limitations of subsection (c) of this section, and within the limitation of appropriations made for the purpose, the Secretary of Defense and the Secretary of a military department within his department, may provide for any emergency or extraordinary expense which cannot be anticipated or classified. When it is so provided in such an appropriation, the funds may be spent on approval or authority of the Secretary concerned for any purpose he determines to be proper, and such a determination is final and conclusive upon the accounting officers of the United States. The Secretary concerned may certify the amount of any such expenditure authorized by him that he considers advisable not to specify, and his certificate is sufficient voucher for the expenditure of that amount.

"(b) The authority conferred by this section may be delegated by the Secretary of Defense to any person in the Department of Defense or by the Secretary of a military department to any person within his department, with or without the authority to make successive redelegations.

Report to congressional committees.

"(c) In any case in which funds are expended under the authority of subsections (a) and (b) of this section, the Secretary of Defense shall submit a report of such expenditures on a quarterly basis to the Committees on Armed Services and Appropriations of the Senate and the House of Representatives.".

Repeal.

(b) Section 7202 of title 10, United States Code, and the corresponding item in the analysis of such chapter are repealed.

SEC. 805. Section 139(b) of title 10, United States Code, is amended by deleting the word "sixty" and inserting in lieu thereof the word "ninety".

SEC. 806. Section 1401a of title 10, United States Code, is amended by adding at the end thereof a new subsection as follows:

"(f) Notwithstanding any other provision of law, the monthly retired or retainer pay of a member or a former member of an armed force who initially became entitled to that pay on or after January 1, 1971, may not be less than the monthly retired or retainer pay to which he would be entitled if he had become entitled to retired or retainer

pay at an earlier date, adjusted to reflect any applicable increases in such pay under this section. In computing the amount of retired or retainer pay to which such a member would have been entitled on that earlier date, the computation shall, subject to subsection (e) of this section, be based on his grade, length of service, and the rate of basic pay applicable to him at that time. This subsection does not authorize any increase in the monthly retired or retainer pay to which a member was entitled for any period prior to the effective date of this subsection.".

SEC. 807. In any case in which funds are unavailable for the payment of a claim arising under a contract entered into prior to July 1, 1974, for the construction or conversion of any naval vessel, the Secretary of the Navy is authorized to settle such claim, but the settlement thereof shall be made subject to the authorization and appropriation of funds therefor. The Secretary of the Navy shall promptly forward to the Committees on Armed Services and Appropriations of the Senate and the House of Representatives copies of all claim settlements made under this section.

SEC. 808. Concurrent with the submission of the President's budget for the fiscal year commencing October 1, 1976, the Secretary of Defense shall submit a five-year naval ship new construction and conversion program. Thereafter, concurrent with the annual submission of the President's budget, the Secretary of Defense shall report to the Committees on Armed Services of the Senate and the House of Representatives any changes to such a five-year program as he deems necessary for the current year, and for the succeeding years, based upon, but not limited to, alterations in the defense strategy of the United States and advances in defense technology. This section does not in any way change existing law with respect to the annual authorization of the construction and conversion of naval vessels.

10 USC 7291 note.

Report to congressional committees.

SEC. 809. The restrictive language contained in section 101 of the Department of Defense Appropriations Authorization Act, 1975 (Public Law 93-365), and in section 101 of the Department of Defense Appropriations Authorization Act, 1974 (Public Law 93-155), under the heading "Naval Vessels", which relates to the use of funds for the DLGN nuclear guided missile frigate program, shall not apply with respect to $101,000,000 of long lead funding provided for in such Acts for the DLGN-42 nuclear guided missile frigate.

88 Stat. 400.

87 Stat. 605.

SEC. 810. No funds authorized for appropriation to the Department of Defense shall be obligated under a contract for any multiyear procurement as defined in section I-322 of the Armed Services Procurement Regulations (as in effect on September 26, 1972) where the cancellation ceiling for such procurement is in excess of $5,000,000 unless the Congress, in advance, approves such cancellation ceiling by statute.

SEC. 811. (a) Beginning with the quarter ending December 31, 1975, the Secretary of Defense shall submit to the Congress within 30 days after the end of each quarter of each fiscal year, written selected acquisition reports for those major defense systems which are estimated to require the total cumulative financing for research, development, test, and evaluation in excess of $50,000,000 or a cumulative production investment in excess of $200,000,000. If the reports received are preliminary then final reports are to be submitted to the Congress within 45 days after the end of each quarter.

Reports to Congress.
10 USC 139 note.

(b) Any report required to be submitted under subsection (a) shall include, but not be limited to, the detailed and summarized information included in reports required by section 139 of title 10, United States Code.

Report to congressional committees. 10 USC 133 note.

SEC. 812. The Secretary of Defense, after consultation with the Secretary of State, shall prepare and submit to the Committees on Armed Services of the Senate and the House of Representatives a written annual report on the foreign policy and military force structure of the United States for the next fiscal year, how such policy and force structure relate to each other, and the justification for each. Such report shall be submitted not later than January 31 of each year.

Report to Congress. 10 USC 133 note.

SEC. 813. In the case of any letter of offer to sell or any proposal to transfer defense articles which are valued at $25,000,000 or more from the United States active forces' inventories, the Secretary of Defense shall submit a report to the Congress setting forth—

(1) the impact of such sales or transfers on the current readiness of United States forces; and

(2) the adequacy of reimbursements to cover, at the time of replenishment to United States' inventories, the full replacement costs of those items sold or transferred.

SEC. 814. (a) It is the sense of the Congress that equipment, procedures, ammunition, fuel and other military impedimenta for land, air and naval forces of the United States stationed in Europe under the terms of the North Atlantic Treaty should be standardized or made interoperable with that of other members of the North Atlantic Treaty Organization to the maximum extent feasible. In carrying out such policy the Secretary of Defense shall, to the maximum feasible extent, initiate and carry out procurement procedures that provide for the acquisition of equipment which is standardized or interoperable with equipment of other members of the North Atlantic Treaty Organization whenever such equipment is designed primarily to be used by personnel of the Armed Forces of the United States stationed in Europe under the terms of the North Atlantic Treaty.

88 Stat. 401.

(b) The report required under section 302(c) of Public Law 93-365 shall include a listing of the initiation of procurement action on any new major system not in compliance with the policy set forth in section (a).

Report to Congress.

(c) Section 302(c) of Public Law 93-365 is amended by deleting the last two sentences and inserting in lieu thereof the following: "The Secretary of Defense shall report annually, not later than January 31 of each year, to the Congress on the specific assessments and evaluations made under the above provisions as well as the results achieved with the North Atlantic Treaty Organization allies.".

SEC. 815. Notwithstanding any other provision of law, the authority provided in section 501 of Public Law 91-441 (84 Stat. 909) is hereby extended until June 30, 1977; but no transfer of aircraft or other equipment may be made under the authority of such section 501 unless funds have been previously appropriated for such transfer.

Petroleum supply to Armed Forces, discrimination, prohibited. 10 USC 2304 note.

SEC. 816. (a) The Armed Forces of the United States operate worldwide in maintaining international peace and in protecting the interests of the United States. It is essential to the effective operation of the Armed Forces that they receive adequate supplies of petroleum products. Citizens and nationals of the United States and corporations organized or operating within the United States enjoy the benefits of the United States flag and the protection of the Armed Forces and owe allegiance to the United States. It is the purpose of this section to provide a remedy for discrimination by citizens or nationals of the United States or corporations organized or operating within the United States, and by organizations controlled by them, against the Department of Defense in the supply of petroleum products.

(b)(1) No supplier shall engage in discrimination (as defined in subsection (e)(2) of this section) in the supply, either within or outside the United States, of petroleum products for the Armed Forces of the United States.

(2) The Secretary of Defense, whenever he has reason to believe that there has been discrimination, shall immediately refer the matter to the Attorney General of the United States who shall immediately institute an investigation. Investigation.

(c)(1) The several district courts of the United States are invested with jurisdiction to prevent and restrain discrimination prohibited by subsection (b)(1) of this section; and it shall be the duty of the several United States attorneys, in their respective districts, under the direction of the Attorney General, to institute proceedings to prevent and restrain such discrimination. Such proceedings may be by way of petitions setting forth the case and requesting that the discrimination be enjoined or otherwise prohibited. Pending such petition and before final decree, the court may at any time make such temporary restraining order or prohibition as it determines appropriate under the circumstances of the case. Jurisdiction.

(2) Whenever it shall appear to the court before which any proceeding under paragraph (1) of this subsection may be pending, that the ends of justice require that other parties should be brought before the court, the court may cause them to be summoned, whether they reside in the district in which the court is held or not; and subpenas to that end may be served in any district by the marshal thereof.

(3) Any proceeding under paragraph (1) of this subsection against any corporation may be brought not only in the judicial district in which it is incorporated, but also in any district in which it may be found or transacts business; and all process in such cases may be served in the district in which it is incorporated, or wherever it may be found.

(4) In any proceeding brought in any district court of the United States pursuant to this section, the Attorney General may file with the clerk of such court a certificate of the Secretary of Defense that, in his opinion, the proceeding is of critical importance to the effective operation of the Armed Forces of the United States and that immediate relief from the discrimination is necessary, a copy of which shall be immediately furnished by such clerk to the chief judge of the circuit (or, in his absence, the presiding circuit judge) in which the proceeding is pending. Upon receipt of the copy of such certificate, it shall be the duty of the chief judge of the circuit or the presiding circuit judge, as the case may be, to designate immediately three judges in such circuit, of whom at least one shall be a circuit judge, to hear and determine such proceeding. Except as to causes which the court considers to be of greater urgency, proceedings before any district court under this section shall take precedence over all other causes and shall be assigned for hearing and trial at the earliest practicable date and expedited in every way.

(5) In every proceeding brought in any district court of the United States under this section, an appeal from the final order of the district court will be only to the Supreme Court.

(d)(1) For the purpose of any investigation instituted by the Attorney General pursuant to subsection (b) of this section, he, or his designee, shall at all reasonable times (A) have access to the premises or property of, (B) have access to and the right to copy the books, records, and other writings of, (C) have the right to take the sworn testimony of, and (D) have the right to administer oaths and affirmations to, any person as may be necessary or appropriate, in his discre-

tion, to the enforcement of this section and the regulations or orders issued thereunder.

Rules and regulations.

(2) The Attorney General shall issue rules and regulations insuring that the authority of paragraph (1) of this subsection will be utilized only after the scope and purpose of the investigation, inspection, or inquiry to be made have been defined by competent authority, and it is assured that no adequate and authoritative data are available from any Federal or other responsible agency. In case of contumacy by, or refusal to obey a subpena served upon, any person with respect to any action taken by the Attorney General under paragraph (1) of this subsection, the district court of the United States for any district in which such person is found or resides or transacts business, upon application by the Attorney General, shall have jurisdiction to issue an order requiring such person to appear and give testimony or to appear and produce documents, or both; and any failure to obey such order of the court may be punished by such court as a contempt thereof.

(3) The production of any person's books, records, or other documentary evidence shall not be required at any place other than the place where such person usually keeps them, if, prior to the return date specified in the regulations, subpena, or other document issued with respect thereto, such person furnishes the Attorney General with a true copy of such books, records, or other documentary evidence (certified by such person under oath to be a true and correct copy) or enters into a stipulation with the Attorney General as to the information contained in such books, records, or other documentary evidence. Witnesses shall be paid the same fees and mileage that are paid witnesses in the courts of the United States.

Witness fees.

Penalty.

(4) Any person who willfully performs any act prohibited, or willfully fails to perform any act required, by paragraph (1) of this subsection, or any rule, regulation, or order issued under paragraph (2) of this subsection, shall upon conviction be fined not more than $1,000 or imprisoned for not more than one year or both.

Confidentiality.

(5) Information obtained under this section which the Attorney General deems confidential or with reference to which a request for confidential treatment is made by the person furnishing such information shall not be published or disclosed unless the Attorney General determines that the withholding thereof is contrary to the interest of the national defense. Any person who willfully violates this subsection shall, upon conviction, be fined not more than $10,000, or imprisoned for not more than one year, or both. All information obtained by the Attorney General under this section and which he deems confidential shall not be published or disclosed, either to the public or to another Federal agency, not including the Congress or any duly authorized committee thereof in the performance of its functions, unless the Attorney General determines that the withholding thereof is contrary to the interests of the national defense, and any person willfully violating this provision shall, upon conviction, be fined not more than $10,000 or imprisoned for not more than one year, or both.

Penalty.

(6) Any person subpenaed under this section shall have the right to make a record of his testimony and to be represented by counsel.

(7) No individual who, having claimed his privilege against self-incrimination, is compelled to testify or produce evidence, documentary or otherwise, under the provision of this section, may be prosecuted in any criminal proceeding of the offense of discrimination established by this section.

Definitions.

(e) As used in this section—

(1) The term "United States" when used in a geographical sense includes the several States, the possessions of the United States, the Canal Zone, and the District of Columbia.

(2) The term "discrimination" means the willful refusal or failure of a supplier, when requested by the Secretary of Defense or his designee, to supply petroleum products for the use of the Armed Forces of the United States under the terms of any contract or under the authority of the Defense Production Act, as amended (64 Stat. 798, 50 U.S.C. App. 2061–2166), the Emergency Petroleum Allocation Act, as amended (Public Law 93–159); or under the provisions of any other authority, on terms not inconsistent with the applicable Armed Services Procurement Regulations, as amended from time to time, and at prices which are fair and reasonable and do not exceed prices received for similar products and quantities from other domestic or foreign customers. Disagreements as to price or other terms or conditions shall be disputes as to questions of fact to be resolved in the manner prescribed by the applicable Armed Services Procurement Regulations, as amended from time to time, for the settlement of disputes arising out of contracts and shall not be a basis for delay or refusal to supply petroleum products. 15 USC 751 note.

(3) The term "supplier" means any citizen or national of the United States, any corporation organized or operating within the United States, or any organization controlled by any United States citizen, national, or corporation organized or operating within the United States, engaged in producing, refining or marketing of petroleum or petroleum products.

(f) Any supplier who willfully discriminates as prohibited by subsection (b)(1) of this section shall, upon conviction, be fined not more than $100,000 or imprisoned for not more than two years, or both. Penalty.

(g) If any provision of this section or the application thereof to any person or circumstances is held invalid, the validity of the remaining provisions of this section and the application of such provision to other persons and circumstances shall not be affected thereby.

(h) The provisions of this section shall expire two years after the date of enactment of this Act, except that— Expiration.

(1) any supplier who, before the date of the expiration of this section, willfully violated any provision of this section shall be punished in accordance with the provisions of such section as in effect on the date the violation occurred;

(2) any proceeding relating to any provision of this section which is pending at the time this section expires shall be continued by the Attorney General as if this subsection had not been enacted, and orders issued in any such proceeding shall continue in effect as if they had been effectively issued under this section before the expiration thereof or until otherwise terminated by appropriate action;

(3) the expiration of this section shall not affect any suit, action, or other proceeding lawfully commenced before the expiration of this section, and all such suits, actions, and proceedings shall be continued, proceedings therein had, appeals therein taken, and judgments therein rendered, in the same manner and with the same effect as if this section had not expired; and

(4) the provisions of this section relating to the improper publication or disclosure of information shall continue in effect, in the same manner and with the same effect as if this section had not expired, with respect to any publication or disclosure (prohibited by such section before the expiration thereof) made after the expiration of such section if the information published or disclosed was obtained under authority of this section before the expiration of this section.

Report to congressional committees.

SEC. 817. The Secretary of Defense shall provide to the Committees on Armed Services of the Senate and the House of Representatives a plan that identifies the platform and funding for AEGIS fleet implementation.

50 USC 1511 note.

SEC. 818. (a) Notwithstanding any other provision of law, none of the funds authorized to be appropriated by this or any other Act shall be used for the purpose of production of lethal binary chemical munitions unless the President certifies to Congress that the production of such munitions is essential to the national interest and submits a full report thereon to the President of the Senate and the Speaker of the House of Representatives as far in advance of the production of such munitions as is practicable.

"Lethal binary chemical munitions."

(b) For purposes of this section the term "lethal binary chemical munitions" means (1) any toxic chemical (solid, liquid, or gas) which, through its chemical properties, is intended to be used to produce injury or death to human beings, and (2) any unique device, instrument, apparatus, or contrivance, including any components or accessories thereof, intended to be used to disperse or otherwise disseminate any such toxic chemical.

37 USC 1009 note.

SEC. 819. (a) Notwithstanding any other provision of law, the aggregate amount of any upward adjustments in certain elements of compensation of members of the uniformed services required by section 1009 of title 37, United States Code, may not exceed 5 per centum during the period from January 1, 1975, through June 30, 1976, except that no such restriction shall apply unless a 5 per centum restriction on the aggregate amount of upward adjustments of the General Schedule of compensation for Federal classified employees as contained in section 5332 of title 5, United States Code, is also required during that period.

(b) No reduction in compensation is required under subsection (a) of any upward adjustment that may have been put into effect under section 1009 of title 37, United States Code, between January 1, 1975, and the date of enactment of this section.

(c) Any upward adjustment in compensation which has been limited by subsection (a) of this section to an amount or amounts less than otherwise would have been in effect shall not be increased subsequent to June 30, 1976—

(1) in order to compensate a member for the difference between the amounts he has received under the provisions of subsection (a) and the amounts he would have otherwise received; or

(2) except in accordance with the normal procedures and timing which would have been in effect for any such pay increase subsequent to June 30, 1976, without regard to any limitation under subsection (a) of this section.

Enlisted aides.

SEC. 820. (a) Notwithstanding any other provision of law, the total number of enlisted members of the Armed Forces of the United States that may be assigned or otherwise detailed to duty as enlisted aides on the personal staffs of officers of the Army, Navy, Marine Corps, Air Force, and Coast Guard (when operating as a service of the Navy) during any fiscal year shall be a number determined by (1) multiplying 4 times the number of officers serving on full-time active duty at the end of the fiscal year in the pay grade of O–10, (2) multiplying 2 times the number of officers serving on full-time active duty at the end of the fiscal year in the pay grade of O–9, and (3) adding the products obtained under clauses (1) and (2).

(b) The Secretary of Defense shall allocate the aides authorized by subsection (a) of this section among officers of the Armed Forces, in such numbers as he determines appropriate, on the basis of the duties of such officers.

(c) This section shall not apply with respect to the number of aides assigned to generals of the Army or admirals of the Fleet.

SEC. 821. Notwithstanding any provision of section 2004 of title 10, United States Code, an officer in any pay grade who was in a missing status (as defined in section 551(2) of title 37, United States Code) after August 4, 1964, and before May 8, 1975, may be selected for detail for legal training under that section 2004 on other than a competitive basis and, if selected for that training, is not counted in computing, for the purpose of subsection (a) of that section 2004, the number of officers who may commence that training in any single fiscal year. For the purposes of determining eligibility under that section 2004, the period of time during which an officer was in that missing status may be disregarded in computing the period he has served on active duty. 10 USC 2004 note.

SEC. 822. This Act may be cited as the "Department of Defense Appropriation Authorization Act, 1976". Short title.

Approved October 7, 1975.

LEGISLATIVE HISTORY:

HOUSE REPORTS: No. 94-199 (Comm. on Armed Services) and Nos. 94-413 and 94-488 (Comm. of Conference).

SENATE REPORTS: No. 94-146 accompanying S. 920 (Comm. on Armed Services) and Nos. 94-334 and 94-385 (Comm. of Conference).

CONGRESSIONAL RECORD, Vol. 121 (1975):

May 15, 19, 20, considered and passed House.

May 22, June 2-5, S. 920 considered in Senate.

June 6, considered and passed Senate, amended, in lieu of S. 920.

July 30, House agreed to conference report.

Aug. 1, Senate rejected conference report.

Sept. 3, House disagreed to Senate amendments and asked for further conference with the Senate; Senate insisted upon its amendments and requested further conference with the House.

Sept. 24, House agreed to conference report.

Sept. 26, Senate agreed to conference report.

Public Law 94-107
94th Congress

An Act

Oct. 7, 1975
[S. 1247]

To authorize certain construction at military installations, and for other purposes.

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

Military construction and guard and reserve forces facilities authorization acts, 1976.
Military Construction Authorization Act, 1976.

TITLE I—ARMY

SEC. 101. The Secretary of the Army may establish or develop military installations and facilities by acquiring, constructing, converting, rehabilitating, or installing permanent or temporary public works, including land acquisition, site preparation, appurtenances, utilities, and equipment for the following acquisition and construction:

INSIDE THE UNITED STATES

UNITED STATES ARMY FORCES COMMAND

Defense Support Activity (Fargo Building), Boston, Massachusetts, $8,000,000.
Fort Bragg, North Carolina, $13,214,000.
Fort Campbell, Kentucky, $13,680,000.
Fort Carson, Colorado, $10,732,000.
Fort Hood, Texas, $46,281,000.
Fort Sam Houston, Texas, $870,000.
Fort Lewis, Washington, $31,861,000.
Fort George G. Meade, Maryland, $2,892,000.
Fort Ord, California, $32,209,000.
Fort Polk, Louisiana, $54,361,000.
Fort Richardson, Alaska, $1,685,000.
Fort Riley, Kansas, $14,879,000.
Fort Stewart/Hunter Army Airfield, Georgia, $39,480,000.

UNITED STATES ARMY TRAINING AND DOCTRINE COMMAND

Fort Benning, Georgia, $44,212,000.
Fort Eustis, Virginia, $633,000.
Fort Gordon, Georgia, $6,945,000.
Fort Jackson, South Carolina, $14,546,000.
Fort Knox, Kentucky, $42,898,000.
Fort Lee, Virginia, $719,000.
Fort McClellan, Alabama, $41,090,000.
Fort Rucker, Alabama, $13,239,000.
Fort Sill, Oklahoma, $15,772,000.
Fort Leonard Wood, Missouri, $4,984,000.

UNITED STATES ARMY MATERIEL COMMAND

Aberdeen Proving Ground, Maryland, $7,000,000.
Aeronautical Depot Maintenance Center, Texas, $642,000.
Army Materials and Mechanics Research Center, Massachusetts, $976,000.
Natick Laboratories, Massachusetts, $222,000.

Redstone Arsenal, Alabama, $1,571,000.
Sierra Army Depot, California, $1,160,000.
White Sands Missile Range, New Mexico, $3,715,000.
Yuma Proving Ground, Arizona, $778,000.

UNITED STATES ARMY COMMUNICATIONS COMMAND

Fort Huachuca, Arizona, $7,517,000.
Camp Roberts, California, $415,000.

UNITED STATES MILITARY ACADEMY

United States Military Academy, West Point, New York, $3,883,000.

UNITED STATES ARMY HEALTH SERVICES COMMAND

Fort Detrick, Maryland, $972,000.
Walter Reed Army Medical Center, Washington, District of Columbia, $3,580,000.

POLLUTION ABATEMENT

Various locations: Air Pollution Abatement, $5,779,000.
Various locations: Water Pollution Abatement, $51,961,000.

DINING FACILITIES MODERNIZATION

Various locations, $16,547,000.

ENERGY CONSERVATION

Various locations, $31,963,000.

NUCLEAR WEAPONS SECURITY

Various locations, $2,652,000.

Outside the United States

UNITED STATES FORCES COMMAND

Fort Buchanan, Puerto Rico, $2,480,000.
Fort Sherman, Canal Zone, $1,400,000.

EIGHTH UNITED STATES ARMY, KOREA

Various locations, $9,281,000.

UNITED STATES ARMY SECURITY AGENCY

Various locations, $1,176,000.

UNITED STATES ARMY, EUROPE

Germany, various locations, $20,599,000.
Camp Darby, Italy, $3,589,000.
Various locations: For the United States share of the cost of multilateral programs for the acquisition or construction of military facilities and installations, including international military headquarters, for the collective defense of the North Atlantic Treaty Area, $80,000,000 and an additional $20,000,000 for the period July 1, 1976, through September 30, 1976. Within thirty days after the end of each

Report to congressional committees.

quarter, the Secretary of the Army shall furnish to the Committees on Armed Services and on Appropriations of the Senate and House of Representatives a description of obligations incurred as the United States share of such multilateral programs.

NUCLEAR WEAPONS SECURITY

Various locations, $34,000,000.

EMERGENCY CONSTRUCTION

SEC. 102. The Secretary of the Army may establish or develop Army installations and facilities by proceeding with construction made necessary by changes in Army missions and responsibilities which have been occasioned by (1) unforeseen security considerations, (2) new weapons developments, or (3) new and unforeseen research and development requirements, or (4) improved production schedules, if the Secretary of Defense determines that deferral of such construction for inclusion in the next Military Construction Authorization Act would be inconsistent with interests of national security, and in connection therewith to acquire, construct, convert, rehabilitate, or install permanent or temporary public works, including land acquisition, site preparation, appurtenances, utilities, and equipment, in the total amount of $10,000,000. The Secretary of the Army, or his designee, shall notify the Committees on Armed Services of the Senate and House of Representatives, immediately upon reaching a final decision to implement, of the cost of construction of any public works undertaken under this section, including those real estate actions pertaining thereto. This authorization shall expire upon enactment of the fiscal year 1977 Military Construction Authorization Act except for those public works projects concerning which the Committees on Armed Services of the Senate and House of Representatives have been notified pursuant to this section prior to that date.

Congressional committees, notification.

Authorization expiration.

DEFICIENCY AUTHORIZATIONS

SEC. 103. (a) Public Law 88-390, as amended, is amended under the heading "INSIDE THE UNITED STATES" in section 101 as follows:

78 Stat. 341.

(1) With respect to Letterman General Hospital, California, strike out "$15,424,000" and insert in place thereof "$15,704,000".

(b) Public Law 88-390 as amended, is amended by striking out in clause (1) of section 602 "$257,098,000" and "$308,159,000" and inserting in place thereof "$257,378,000" and "$308,439,000", respectively.

84 Stat. 1208.

SEC. 104. (a) Public Law 90-110, as amended, is amended under the heading "INSIDE THE UNITED STATES" in section 101 as follows:

81 Stat. 279.
84 Stat. 1208.

With respect to Fort Lee, Virginia, strike out "$2,575,000" and insert in place thereof "$3,615,000".

(b) Public Law 90-110, as amended, is amended by striking out in clause (1) of section 802 "$288,355,000" and "$391,748,000" and inserting in place thereof "$289,395,000" and "$392,788,000", respectively.

87 Stat. 664.

SEC. 105. (a) Public Law 92-145, as amended, is amended under the heading "INSIDE THE UNITED STATES" in section 101 as follows:

85 Stat. 395.

With respect to Walter Reed Army Medical Center, District of Columbia, strike out "$112,500,000" and insert in place thereof "$134,652,000".

(b) Public Law 92-145, as amended, is amended by striking out in clause (1) of section 702 "$363,626,000" and "$405,607,000" and inserting in place thereof "$385,778,000" and "$427,759,000", respectively.

86 Stat. 1138.

SEC. 106. (a) Public Law 93-166, as amended, is amended under the heading "INSIDE THE UNITED STATES" in section 101 as follows: 87 Stat. 661.

(1) With respect to Fort Polk, Louisiana, strike out "$29,276,000" and insert in place thereof "$44,536,000".

(2) With respect to Eglin Air Force Base, Florida, strike out "$2,950,000" and insert in place thereof "$3,461,000".

(3) With respect to Fort Rucker, Alabama, strike out "$3,987,000" and insert in place thereof "$4,810,000".

(4) With respect to Fort Leonard Wood, Missouri, strike out "$44,482,000" and insert in place thereof "$54,283,000".

(5) With respect to Aeronautical Depot Maintenance Center, Texas, strike out "$6,284,000" and insert in place thereof "$7,353,000".

(6) With respect to Natick Laboratories, Massachusetts, strike out "$466,000" and insert in place thereof "$617,000".

(7) With respect to White Sands Missile Range, New Mexico, strike out "$3,843,000" and insert in place thereof "$6,339,000".

(8) With respect to Yuma Proving Ground, Arizona, strike out "$6,472,000" and insert in place thereof "$7,991,000".

(b) Public Law 93-166, as amended, is amended by striking out in clause (1) of section 602 "$485,827,000" and "$599,927,000" and inserting in place thereof "$517,457,000" and "$631,557,000", respectively. 87 Stat. 679; 88 Stat. 1747.

SEC. 107. (a) Public Law 93-552 is amended under the heading "INSIDE THE UNITED STATES" in section 101 as follows: 88 Stat. 1745.

(1) With respect to Fort Benning, Georgia, strike out "$36,827,000" and insert in place thereof "$37,156,000".

(2) With respect to Fort Jackson, South Carolina, strike out "$19,078,000" and insert in place thereof "$21,269,000".

(b) Public Law 93-552 is amended under the heading "OUTSIDE THE UNITED STATES" in section 101 as follows:

With respect to Fort Buckner, Okinawa, strike out "$532,000" and insert in place thereof "$944,000".

(c) Public Law 93-552 is amended by striking out in clause (1) of section 602 "$491,695,000", "$120,184,000", and "$611,879,000" and inserting in place thereof "$494,215,000", "$120,596,000", and "$614,811,000", respectively. 88 Stat. 1760.

TITLE II—NAVY

SEC. 201. The Secretary of the Navy may establish or develop military installations and facilities by acquiring, constructing, converting, rehabilitating, or installing permanent or temporary public works, including land acquisition, site preparation, appurtenances, utilities, and equipment for the following acquisition and construction:

INSIDE THE UNITED STATES

THIRD NAVAL DISTRICT

Naval Submarine Base, New London, Connecticut, $17,513,000.

Naval Weapons Station, Earle, New Jersey, $879,000.

Naval Underwater Systems Center, New London, Dresden, New York, $150,000.

NAVAL DISTRICT, WASHINGTON

Naval District, Washington, District of Columbia, $400,000.

Naval Research Laboratory, Washington, District of Columbia, $4,824,000.

National Naval Medical Center, Bethesda, Maryland, $100,000,000.
Uniformed Services University of the Health Sciences, Bethesda, Maryland, $64,900,000.
Naval Ship Research Development Center, Carderock, Maryland, $550,000.
Naval Surface Weapons Center, Dahlgren, Virginia, $2,375,000.

FIFTH NAVAL DISTRICT

Fleet Combat Direction Systems Training Center, Atlantic, Dam Neck, Virginia, $4,383,000.
Commander in Chief, Atlantic Fleet, Norfolk, Virginia, $4,246,000.
Naval Air Station, Oceana, Virginia, $3,293,000.
Naval Weapons Station, Yorktown, Virginia, $14,743,000.

SIXTH NAVAL DISTRICT

Naval Air Station, Cecil Field, Florida, $2,557,000.
Naval Air Station, Jacksonville, Florida, $3,382,000.
Naval Station, Mayport, Florida, $3,169,000.
Naval Hospital, Orlando, Florida, $2,978,000.
Naval Training Center, Orlando, Florida, $5,588,000.
Naval Air Station, Pensacola, Florida, $4,282,000.
Naval Air Station, Whiting Field, Florida, $500,000.
Charleston Naval Shipyard, Charleston, South Carolina, $2,748,000.
Fleet Ballistic Missile Submarine Training Center, Charleston, South Carolina, $250,000.
Naval Station, Charleston, South Carolina, $2,100,000.
Polaris Missile Facility, Atlantic, Charleston, South Carolina, $195,000.

EIGHTH NAVAL DISTRICT

Naval Personnel Center, New Orleans, Louisiana, $21,300,000.
Naval Support Activity, New Orleans, Louisiana, $1,856,000.

NINTH NAVAL DISTRICT

Naval Training Center, Great Lakes, Illinois, $10,448,000.
Navy Public Works Center, Great Lakes, Illinois, $1,151,000.

ELEVENTH NAVAL DISTRICT

National Parachute Test Range, El Centro, California, $1,345,000.
Long Beach Naval Shipyard, Long Beach, California, $3,322,000.
Naval Air Station, Miramar, California, $20,746,000.
Naval Air Station, North Island, California, $13,817,000.
Naval Electronics Laboratory Center, San Diego, California, $3,795,000.

TWELFTH NAVAL DISTRICT

Naval Weapons Station, Concord, California, $264,000.
Naval Air Station, Moffett Field, California, $2,400,000.
Naval Air Station, Fallon, Nevada, $554,000.

THIRTEENTH NAVAL DISTRICT

Naval Regional Medical Center, Bremerton, Washington, $29,959,000.
Naval Air Station, Whidbey Island, Washington, $1,082,000.

FOURTEENTH NAVAL DISTRICT

Naval Station, Pearl Harbor, Hawaii, $7,078,000.
Naval Submarine Base, Pearl Harbor, Hawaii, $2,605,000.
Naval Communication Station, Honolulu, Wahiawa, Hawaii, $2,500,000.

MARINE CORPS

Marine Corps Base, Camp Lejeune, North Carolina, $13,423,000.
Marine Corps Air Station, Cherry Point, North Carolina, $3,547,000.
Marine Corps Air Station, New River, North Carolina, $1,983,000.
Marine Corps Air Station, Beaufort, South Carolina, $2,782,000.
Marine Corps Air Station, Yuma, Arizona, $1,164,000.
Marine Corps Supply Center, Barstow, California, $700,000.
Marine Corps Base, Camp Pendleton, California, $9,480,000.
Marine Corps Air Station, El Toro, California, $2,000,000.
Marine Corps Base, Twentynine Palms, California, $3,159,000.
Marine Corps Air Station, Kaneohe Bay, Hawaii, $5,410,000.

TRIDENT FACILITIES

Various locations: Trident facilities, $186,967,000, of which not more than $7,000,000 shall be available for community impact assistance as authorized by section 608 of Public Law 93-552.

POLLUTION ABATEMENT

Various locations: Air pollution abatement, $3,262,000.
Various locations: Water pollution abatement, $44,827,000.

ENERGY CONSERVATION

Various locations, $28,828,000.

NUCLEAR WEAPONS SECURITY

Various locations, $6,580,000.

OUTSIDE THE UNITED STATES

TENTH NAVAL DISTRICT

Atlantic Fleet Weapons Range, Roosevelt Roads, Puerto Rico, $2,128,000.

ATLANTIC OCEAN AREA

Naval Air Station, Bermuda, $78,000.
Naval Air Station, Guantanamo Bay, Cuba, $3,264,000.
Naval Station, Guantanamo Bay, Cuba, $450,000.

INDIAN OCEAN AREA

Naval Support Activity, Diego Garcia, Chagos Archipelago, $13,800,000.

PACIFIC OCEAN AREA

Naval Communication Station, Finegayan, Guam, Mariana Islands, $1,200,000.

POLLUTION ABATEMENT

Various locations: Water Pollution Abatement, $250,000.

EMERGENCY CONSTRUCTION

SEC. 202. The Secretary of the Navy may establish or develop Navy installations and facilities by proceeding with construction made necessary by changes in Navy missions and responsibilities which have been occasioned by (1) unforeseen security considerations, (2) new weapons developments, (3) new and unforeseen research and development requirements, or (4) improved production schedules, if the Secretary of Defense determines that deferral of such construction for inclusion in the next Military Construction Authorization Act would be inconsistent with interests of national security, and in connection therewith to acquire, construct, convert, rehabilitate, or install permanent or temporary public works, including land acquisition, site preparation, appurtenances, utilities, and equipment, in the total amount of $10,000,000. The Secretary of the Navy, or his designee, shall notify the Committees on Armed Services of the Senate and House of Representatives, immediately upon reaching a decision to implement, of the cost of construction of any public works undertaken under this section, including those real estate actions pertaining thereto. This authorization shall expire upon enactment of the fiscal year 1977 Military Construction Authorization Act, except for those public works projects concerning which the Committees on Armed Services of the Senate and House of Representatives have been notified pursuant to this section prior to that date.

Congressional committees, notification.

Authorization expiration.

DEFICIENCY AUTHORIZATIONS

SEC. 203. (a) Public Law 90-408, as amended, is amended under the heading "INSIDE THE UNITED STATES" in section 201 as follows:

82 Stat. 373.

87 Stat. 669.

(1) With respect to Naval Coastal Systems Laboratory, Panama City, Florida, strike out "$9,397,000" and insert in place thereof $11,321,000".

82 Stat. 376.

(2) With respect to Naval Postgraduate School, Monterey, California, strike out "$1,847,000" and insert in place thereof "$2,064,000".

(b) Public Law 90-408, as amended, is amended by striking out in clause (2) of section 802 "$244,059,000" and "$250,924,000" and inserting in place thereof "$246,200,000" and "$253,065,000", respectively.

88 Stat. 751.

SEC. 204. (a) Public Law 91-511, as amended, is amended under the heading "INSIDE THE UNITED STATES" in section 201 as follows:

84 Stat. 1209.

(1) With respect to OMEGA Navigation Station, Haiku, Oahu, Hawaii, strike out "$3,162,000" and insert in place thereof "$3,762,000".

(b) Public Law 91-511, as amended, is amended by striking out in clause (2) of section 602 "$247,869,000" and "$275,007,000" and inserting in place thereof "$248,469,000" and "$275,607,000", respectively.

88 Stat. 1751.

SEC. 205. (a) Public Law 92-545, as amended, is amended under the heading "INSIDE THE UNITED STATES" in section 201 as follows:

86 Stat. 1138.

(1) With respect to Naval Shipyard, Charleston, South Carolina, strike out "$5,316,000" and insert in place thereof "$7,916,000".

(2) With respect to Naval Shipyard, Puget Sound, Bremerton, Washington, strike out "$5,992,000" and insert in place thereof "$7,792,000".

(b) Public Law 92-545, as amended, is amended by striking out in clause (2) of section 702 "$488,493,000" and "$533,410,000" and inserting in place thereof "$492,893,000" and "$537,810,000", respectively.

88 Stat. 1752.

SEC. 206. (a) Public Law 93-166, as amended, is amended under the heading "INSIDE THE UNITED STATES" in section 201 as follows: 87 Stat. 664.

(1) With respect to Portsmouth Naval Shipyard, Portsmouth, Kittery, Maine, strike out "$2,817,000" and insert in place thereof "$5,617,000".

(2) With respect to Naval Station, Norfolk, Virginia, strike out "$18,183,000" and insert in place thereof "$20,472,000".

(3) With respect to Long Beach Naval Shipyard, Long Beach, California, strike out "$6,808,000" and insert in place thereof "$11,508,000".

(4) With respect to Navy Public Works Center, San Diego, California, strike out "$2,471,000" and insert in place thereof "$5,982,000".

(5) With respect to Puget Sound Navy Shipyard, Bremerton, Washington, strike out "$2,300,000" and insert in place thereof "$3,531,000".

(6) With respect to Naval Station, Pearl Harbor, Hawaii, strike out "$4,060,000" and insert in place thereof "$4,824,000".

(7) With respect to Marine Corps Air Station, Cherry Point, North Carolina, strike out "$1,821,000" and insert in place thereof "$9,700,000".

(8) With respect to Marine Corps Air Station, New River, North Carolina, strike out "$3,245,000" and insert in place thereof "$6,755,000".

(9) With respect to Marine Corps Supply Center, Barstow, California, strike out "$6,210,000" and insert in place thereof "$6,862,000". 88 Stat. 1752.

(10) With respect to Marine Corps Air Station, Kaneohe Bay, Hawaii, strike out "$5,988,000" and insert in place thereof "$6,495,000". 87 Stat. 667.

(b) Public Law 93-166, as amended, is amended by striking out in clause (2) of section 602 "$522,006,000" and "580,839,000" and inserting in place thereof "$549,849,000" and "$608,682,000", respectively. 88 Stat. 1752.

SEC. 207. (a) Public Law 93-552 is amended under the heading "INSIDE THE UNITED STATES" in section 201 as follows: 88 Stat. 1748.

(1) With respect to Naval Air Station, Cecil Field, Florida, strike out "$6,893,000" and insert in place thereof "$9,214,000".

(2) With respect to Naval Station, Mayport, Florida, strike out "$3,239,000" and insert in place thereof "$3,654,000".

(3) With respect to Naval Air Station, Corpus Christi, Texas, strike out "$1,830,000" and insert in place thereof "$5,430,000".

(4) With respect to Naval Air Station, Miramar, California, strike out "$11,772,000" and insert in place thereof "$13,732,000".

(5) With respect to Naval Air Station, North Island, California, strike out "$12,943,000" and insert in place thereof "$14,903,000".

(6) With respect to Naval Station, Adak, Alaska, strike out "$7,697,000" and insert in place thereof "$10,642,000".

(7) With respect to Puget Sound Naval Shipyard, Bremerton, Washington, strike out "$393,000" and insert in place thereof "$623,000".

(8) With respect to Marine Corps Air Station, Kaneohe Bay, Hawaii, strike out "$5,497,000" and insert in place thereof "$5,606,000".

(b) Public Law 93-552 is amended by striking out in clause (2) of section 602 "$509,498,000" and "$550,956,000" and inserting in place thereof "$523,038,000" and "$564,496,000", respectively. 88 Stat. 1760.

TITLE III—AIR FORCE

SEC. 301. The Secretary of the Air Force may establish or develop military installations and facilities by acquiring, constructing, converting, rehabilitating, or installing permanent or temporary public works, including land acquisition, site preparation, appurtenances, utilities, and equipment for the following acquisition and construction:

INSIDE THE UNITED STATES

AEROSPACE DEFENSE COMMAND

Tyndall Air Force Base, Panama City, Florida, $10,697,000.

AIR FORCE LOGISTICS COMMAND

Kelly Air Force Base, San Antonio, Texas, $4,366,000.
McClellan Air Force Base, Sacramento, California, $3,461,000.
Newark Air Force Station, Newark, Ohio, $2,117,000.
Robins Air Force Base, Warner Robins, Georgia, $6,517,000.
Tinker Air Force Base, Oklahoma City, Oklahoma, $12,179,000.
Wright-Patterson Air Force Base, Dayton, Ohio, $8,038,000.

AIR FORCE SYSTEMS COMMAND

Edwards Air Force Base, Muroc, California, $5,330,000.
Eglin Air Force Base, Valpariso, Florida, $8,390,000.
Kirtland Air Force Base, Albuquerque, New Mexico, $5,373,000.

AIR TRAINING COMMAND

Columbus Air Force Base, Columbus, Mississippi, $1,453,000.
Craig Air Force Base, Selma, Alabama, $419,000.
Keesler Air Force Base, Biloxi, Mississippi, $43,140,000.
Lackland Air Force Base, San Antonio, Texas, $104,596,000.
Laughlin Air Force Base, Del Rio, Texas, $11,017,000.
Lowry Air Force Base, Denver, Colorado, $9,162,000.
Randolph Air Force Base, San Antonio, Texas, $5,128,000.
Vance Air Force Base, Enid, Oklahoma, $1,270,000.
Webb Air Force Base, Big Spring, Texas, $4,382,000.

ALASKAN AIR COMMAND

Eielson Air Force Base, Fairbanks, Alaska, $471,000.
Elmendorf Air Force Base, Anchorage, Alaska, $568,000.
Various locations, $12,468,000.

HEADQUARTERS COMMAND

Andrews Air Force Base, Camp Springs, Maryland, $6,906,000.
Bolling Air Force Base, Washington, District of Columbia, $3,089,000.

MILITARY AIRLIFT COMMAND

Altus Air Force Base, Altus, Oklahoma, $996,000.
McChord Air Force Base, Tacoma, Washington, $1,189,000.
McGuire Air Force Base, Wrightstown, New Jersey, $1,740,000.
Scott Air Force Base, Belleville, Illinois, $1,488,000.

STRATEGIC AIR COMMAND

Beale Air Force Base, Marysville, California, $3,590,000.
Carswell Air Force Base, Fort Worth, Texas, $1,992,000.
Fairchild Air Force Base, Spokane, Washington, $1,000,000.
Griffiss Air Force Base, Rome, New York, $372,000.
Kincheloe Air Force Base, Kinross, Michigan, $670,000.
Malmstrom Air Force Base, Great Falls, Montana, $622,000.
Offutt Air Force Base, Omaha, Nebraska, $1,437,000.
Plattsburgh Air Force Base, Plattsburgh, New York, $400,000.
Vandenberg Air Force Base, Lompoc, California, $2,696,000.
Wurtsmith Air Force Base, Oscoda, Michigan, $447,000.

TACTICAL AIR COMMAND

Cannon Air Force Base, Clovis, New Mexico, $1,876,000.
George Air Force Base, Victorville, California, $3,646,000.
Langley Air Force Base, Hampton, Virginia, $1,336,000.
Luke Air Force Base, Glendale, Arizona, $439,000.
Mountain Home Air Force Base, Mountain Home, Idaho, $8,541,000.
Nellis Air Force Base, Las Vegas, Nevada, $990,000.
Seymour Johnson Air Force Base, Goldsboro, North Carolina, $612,000.

POLLUTION ABATEMENT

Various locations: Air Pollution Abatement, $600,000.
Various locations: Water Pollution Abatement, $10,098,000.

ENERGY CONSERVATION

Various locations, $43,952,000.

SPECIAL FACILITIES

Various locations, $9,866,000.

NUCLEAR WEAPONS SECURITY

Various locations, $7,909,000.

OUTSIDE THE UNITED STATES

UNITED STATES AIR FORCES IN EUROPE

Germany, $5,346,000.
United Kingdom, $13,524,000.
Various locations, $74,738,000.

UNITED STATES AIR FORCE SECURITY SERVICE

Various locations, $981,000.

SPECIAL FACILITIES

Various locations, $2,666,000.

NUCLEAR WEAPONS SECURITY

Various locations, $5,591,000.

CLASSIFIED INSTALLATIONS

SEC. 302. The Secretary of the Air Force may establish or develop classified military installations and facilities by acquiring, constructing, converting, rehabilitating, and installing permanent or temporary public works, including land acquisition, site preparation, appurtenances, utilities, and equipment, in the total amount of $3,982,000.

EMERGENCY CONSTRUCTION

SEC. 303. The Secretary of the Air Force may establish or develop Air Force installations and facilities by proceeding with construction made necessary by changes in Air Force missions and responsibilities which have been occasioned by (1) unforeseen security considerations, (2) new weapons developments, (3) new and unforeseen research and development requirements, or (4) improved production schedules, if the Secretary of Defense determines that deferral of such construction for inclusion in the next Military Construction Authorization Act would be inconsistent with interests of national security, and in connection therewith to acquire, construct, convert, rehabilitate, or install permanent or temporary public works, including land acquisition, site preparation, appurtenances, utilities, and equipment in the total amount of $10,000,000. The Secretary of the Air Force, or his designee, shall notify the Committees on Armed Services of the Senate and House of Representatives, immediately upon reaching a final decision to implement, of the cost of construction of any public works undertaken under this section, including those real estate actions pertaining thereto. This authorization shall expire upon enactment of the fiscal year 1977 Military Construction Authorization Act, except for those public works projects concerning which the Committees on Armed Services of the Senate and House of Representatives have been notified pursuant to this section prior to that date.

Congressional committees, notification.

Authorization expiration.

DEFICIENCY AUTHORIZATIONS

84 Stat. 1213.

SEC. 304. (a) Section 301 of Public Law 91-511, as amended, is amended under the heading "INSIDE THE UNITED STATES" as follows:

(1) Under the subheading "AIR TRAINING COMMAND" with respect to Laughlin Air Force Base, Del Rio, Texas, strike out "$310,000" and insert in place thereof "$375,000".

(2) Under the subheading "AIR TRAINING COMMAND" with respect to Reese Air Force Base, Lubbock, Texas, strike out "$1,047,000" and insert in place thereof "$1,110,000".

(3) Under the subheading "AIR TRAINING COMMAND" with respect to Webb Air Force Base, Big Spring, Texas, strike out "$349,000" and insert in place thereof "$416,000".

85 Stat. 404.

(b) Public Law 91-511, as amended, is further amended by striking out in clause (3) of section 602 "$192,133,000" and "$256,385,000" and inserting in place thereof $192,328,000" and "$256,580,000", respectively.

85 Stat. 401.

SEC. 305. (a) Section 301 of Public Law 92-145, as amended, is amended under the heading "INSIDE THE UNITED STATES" as follows:

(1) Under the subheading "AIR TRAINING COMMAND" with respect to Lowry Air Force Base, Denver, Colorado, strike out "$8,435,000" and insert in place thereof "$8,902,000".

87 Stat. 672.

(b) Public Law 92-145, as amended, is further amended by striking out in clause (3) of section 702 "$226,697,000" and "$247,560,000" and inserting in place thereof "$227,164,000" and "$248,027,000", respectively.

SEC. 306. (a) Section 301 of Public Law 92-545, as amended, is amended under the heading "INSIDE THE UNITED STATES" as follows: 86 Stat. 1143.

(1) Under the subheading "AIR FORCE SYSTEMS COMMAND" with respect to Edwards Air Force Base, Muroc, California, strike out "$534,000" and insert in place thereof "$828,000".

(b) Public Law 92-545, as amended, is further amended by striking out in clause (3) of section 702 "$234,125,000" and "$292,683,000" and inserting in place thereof "$234,419,000" and "$292,977,000", respectively. 87 Stat. 672.

SEC. 307. (a) Section 301 of Public Law 93-166, as amended, is amended under the heading "INSIDE THE UNITED STATES" as follows: 87 Stat. 669.

(1) Under the subheading "STRATEGIC AIR COMMAND" with respect to Kincheloe Air Force Base, Kinross, Michigan, strike out "$2,430,000" and insert in place thereof "$2,893,000".

(b) Section 301 of Public Law 93-166, as amended, is amended under the heading "OUTSIDE THE UNITED STATES" as follows:

(1) Under the subheading "UNITED STATES AIR FORCES IN EUROPE" with respect to Germany, strike out "$5,181,000" and insert in place thereof "$6,663,000".

(2) Under the subheading "UNITED STATES AIR FORCE SOUTHERN COMMAND" with respect to Howard Air Force Base, Canal Zone, strike out "$927,000" and insert in place thereof "$1,827,000".

(c) Public Law 93-166, as amended, is further amended by striking out in clause (3) of section 602 "$260,727,000", "$21,302,000" and "$283,029,000" and inserting in place thereof "$261,190,000", "$23,684,000" and "$285,874,000", respectively. 87 Stat. 679; 88 Stat. 1756.

SEC. 308. (a) Section 301 of Public Law 93-552, is amended under the heading "INSIDE THE UNITED STATES" as follows: 87 Stat. 1752.

(1) Under the subheading "AIR TRAINING COMMAND" with respect to Reese Air Force Base, Lubbock, Texas, strike out "$836,000" and insert in place thereof "$1,194,000". 88 Stat. 1753.

(2) Under the subheading "AIR TRAINING COMMAND" with respect to Webb Air Force Base, Big Spring, Texas, strike out "$776,000" and insert in place thereof "$1,673,000".

(b) Public Law 93-552 is further amended by striking out in clause (3) of section 602 "$307,786,000" and "$390,773,000" and inserting in place thereof "$309,041,000" and "$392,028,000", respectively. 88 Stat. 1760.

TITLE IV—DEFENSE AGENCIES

SEC. 401. The Secretary of Defense may establish or develop military installations and facilities by acquiring, constructing, converting, rehabilitating, or installing permanent or temporary public works, including land acquisition, site preparation, appurtenances, utilities, and equipment, for defense agencies for the following acquisition and construction:

INSIDE THE UNITED STATES

DEFENSE MAPPING AGENCY

Defense Mapping Agency Topographic Center, Bethesda, Maryland, $195,000.

DEFENSE SUPPLY AGENCY

Defense Depot, Memphis, Tennessee, $377,000.
Defense Electronics Supply Center, Dayton, Ohio, $96,000.

Defense Fuel Support Point, Melville, Newport, Rhode Island, $352,000.
Defense Fuel Support Point, Norwalk, California, $197,000.
Defense Property Disposal Office, Colorado Springs, Colorado, $440,000.
Defense Property Disposal Office, Elmendorf, Alaska, $403,000.
Defense Property Disposal Office, Monterey, California, $635,000.
Defense Personnel Support Center, Philadelphia, Pennsylvania, $1,400,000.

NATIONAL SECURITY AGENCY

Fort George G. Meade, Maryland, $3,012,000.

POLLUTION ABATEMENT

Various locations: Air Pollution Abatement, $2,426,000.
Various locations: Water Pollution Abatement, $322,000.

ENERGY CONSERVATION

Various locations, $175,000.

OUTSIDE THE UNITED STATES

DEFENSE NUCLEAR AGENCY

Johnston Atoll, $4,033,000.
Enewetak Auxiliary Airfield, $20,000,000.

DEFENSE SUPPLY AGENCY

Defense Property Disposal Office, Nuremberg, Germany, $500,000.
Defense Property Disposal Office, Seckenheim, Germany, $237,000.

EMERGENCY CONSTRUCTION

SEC. 402. The Secretary of Defense may establish or develop installations and facilities which he determines to be vital to the security of the United States, and in connection therewith to acquire, construct, convert, rehabilitate, or install permanent or temporary public works, including land acquisition, site preparation, appurtenances, utilities, and equipment in the total amount of $10,000,000. The Secretary of Defense, or his designee, shall notify the Committees on Armed Services of the Senate and House of Representatives, immediately upon reaching a final decision to implement, of the cost of construction of any public works undertaken under this section, including real estate actions pertaining thereto.

Congressional committees, notification.

DEFICIENCY AUTHORIZATIONS

SEC. 403. (a) Public Law 92-545, as amended, is amended under the heading "INSIDE THE UNITED STATES" under the subheading "DEFENSE SUPPLY AGENCY" in section 401 as follows:

86 Stat. 1146.

With respect to Defense General Supply Center, Richmond, Virginia, strike out "$1,171,000" and insert in place thereof "$1,365,000".

(b) Public Law 92-545, as amended, is amended by striking out in clause (4) of section 702 "$33,004,000" and inserting in place thereof "$33,198,000".

SEC. 404. (a) Public Law 93-166, as amended, is amended under the heading "DEFENSE SUPPLY AGENCY" in section 401 as follows: 87 Stat. 673.

With respect to "Defense Depot, Tracy, California", strike out "$747,000" and insert in place thereof "$1,384,000".

(b) Public Law 93-166, as amended, is amended by striking out in clause (4) of section 602 "$10,000,000" and inserting in place thereof "$10,637,000". 87 Stat. 679.

TITLE V—MILITARY FAMILY HOUSING

AUTHORIZATION TO CONSTRUCT OR ACQUIRE HOUSING

SEC. 501. (a) The Secretary of Defense, or his designee, is authorized to construct or acquire sole interest in existing family housing units in the numbers and at the locations hereinafter named, but no family housing construction shall be commenced at any such locations in the United States until the Secretary shall have consulted with the Secretary of the Department of Housing and Urban Development as to the availability of suitable private housing at such locations. If agreement cannot be reached with respect to the availability of suitable private housing at any location, the Secretary of Defense shall notify the Committees on Armed Services of the Senate and the House of Representatives, in writing, of such difference of opinion, and no contract for construction at such location shall be entered into for a period of thirty days after such notification has been given. This authority shall include the authority to acquire land, and interests in land, by gift, purchase, exchange of Government-owned land, or otherwise.

Secretary of HUD, consultation.

Congressional committees, notification.

(b) With respect to the family housing units authorized to be constructed by this section, the Secretary of Defense is authorized to acquire sole interest in privately owned or Department of Housing and Urban Development held family housing units in lieu of constructing all or a portion of the family housing authorized by this section if he, or his designee, determines such action to be in the best interests of the United States; but any family housing units acquired under authority of this subsection shall not exceed the cost limitations specified in section 502 of this Act or the limitations on size specified in section 2684 of title 10, United States Code. In no case may family housing units be acquired under this subsection through the exercise of eminent domain authority; and in no case may family housing units other than those authorized by this section be acquired in lieu of construction unless the acquisition of such units is hereafter specifically authorized by law.

Cost limitation.

Restrictions.

(c) The Department of the Army, two thousand one hundred units, $73,500,000: Army.

Fort Ord, California, three hundred and fifty units.

Fort Stewart/Hunter Army Airfield, Georgia, seven hundred and fifty units.

Fort Polk, Louisiana, one thousand units.

(d) The Department of the Navy, six hundred and seventy-eight units, $23,730,000: Navy.

Naval Facility, Nantucket, Massachusetts, eighteen units.

Marine Corps Base, Camp Lejeune, North Carolina, two hundred and fifty units.

Naval Complex, Bangor, Washington, four hundred units.

Naval Radio Station, Sugar Grove, West Virginia, ten units.

COST LIMITATIONS

SEC. 502. (a) Authorizations for the construction of family housing provided in section 501 of this Act shall be subject, under such regulations as the Secretary of Defense may prescribe, to the limitations on cost prescribed in subsections (b) and (c), which shall include shades, screens, ranges, refrigerators, and all other installed equipment and fixtures, the cost of the family unit, design, supervision, inspection, overhead, the proportionate costs of land acquisition, site preparation, and installation of utilities.

(b) The average unit cost for all units of family housing constructed in the United States (other than Alaska and Hawaii) shall not exceed $35,000 and in no event shall the cost of any unit exceed $51,000.

(c) When family housing units are constructed in areas other than those areas specified in subsection (b), the average cost of all such units shall not exceed $45,000, and in no event shall the cost of any unit exceed $51,000.

(d) Notwithstanding the limitations contained in prior Military Construction Authorization Acts on cost of construction of family housing, the limitations on such cost contained in this section shall apply to all prior authorizations for construction of family housing not heretofore repealed and for which construction contracts have not been executed prior to the date of enactment of this Act.

ALTERATIONS TO EXISTING QUARTERS

SEC. 503. The Secretary of Defense, or his designee, is authorized to accomplish alterations, additions, expansions, or extensions not otherwise authorized by law, to existing public quarters at a cost not to exceed—

(1) for the Department of the Army, $35,000,000;

(2) for the Department of the Navy, $34,230,000, including $7,200,000 for energy conservation projects;

(3) for the Department of the Air Force, $51,000,000, including $16,000,000 for energy conservation projects; and

(4) for the Defense Supply Agency, $127,000.

HOUSING OUTSIDE THE UNITED STATES

SEC. 504. (a) The Secretary of Defense, or his designee, is authorized to construct or otherwise acquire at the locations hereinafter named family housing units not subject to the limitations on such cost contained in section 502 of this Act. This authority shall include the authority to acquire land, and interests in land, by gift, purchase, exchange of Government-owned land, or otherwise. Total costs shall include shades, screens, ranges, refrigerators, and other installed equipment and fixtures, the cost of the family unit, and the costs of land acquisition, site preparation, design, supervision, inspection, overhead, and installation of utilities.

(b) (1) Three family housing units are authorized in Cairo, Egypt, at a total cost not to exceed $180,000. Such units shall be funded by use of excess foreign currency when so provided in Department of Defense Appropriation Acts.

(2) Two hundred and fifty units are authorized at Naval Base, Keflavik, Iceland, at a total cost not to exceed $17,500,000.

REPAIRS TO EXISTING QUARTERS

SEC. 505. The Secretary of Defense, or his designee, is authorized to accomplish repairs and improvements to existing public quarters in amounts in excess of the $15,000 limitation prescribed in section 610 (a) of Public Law 90-110, as amended (81 Stat. 279, 305), as follows: 87 Stat. 675.

Fort McClellan, Alabama, twenty-six units, $465,900.

Fort Richardson, Alaska, two hundred and eight units, $4,000,000.

Fort McNair, Washington, District of Columbia, five units, $195,000. 88 Stat. 1759.

Fort Sill, Oklahoma, thirty-two units, $654,400.

Fort Eustis, Virginia, one hundred and eighty-five units, $3,140,000. 88 Stat. 1757.

Fort Lewis, Washington, one hundred and thirty-six units, $2,503,000. 83 Stat. 313.

Naval Station, Adak, Alaska, thirty-six units, $665,000.

Public Works Center, Pearl Harbor, Hawaii, one hundred and forty-five units, $2,500,000.

Marine Corps Recruit Depot, Parris Island, South Carolina, one hundred and seventy-eight units, $2,685,800. 83 Stat. 313.

RENTAL QUARTERS

SEC. 506. (a) Section 515 of Public Law 84-161 (69 Stat. 324, 352), as amended, is further amended by (1) striking out "During fiscal years 1975 and 1976", and (2) revising the third sentence to read as follows: "Expenditures for the rental of such housing facilities, including the cost of utilities and maintenance and operation, may not exceed: For the United States (other than Alaska, Hawaii, and Guam) and Puerto Rico, an average of $245 per month for each military department, or the amount of $325 per month for any one unit; and for Alaska, Hawaii, and Guam, an average of $310 per month for each military department, or the amount of $385 per month for any one unit.". 10 USC 2674 note.

(b) Section 507(b) of Public Law 93-166 (87 Stat. 661, 676), is amended by striking out "$355", "$625", and "twelve thousand" in the first sentence, and inserting in lieu thereof "$380", "$670", and "fifteen thousand", respectively.

HOUSING APPROPRIATIONS LIMITATIONS

SEC. 507. There is authorized to be appropriated for use by the Secretary of Defense, or his designee, for military family housing as authorized by law for the following purposes:

(1) for construction or acquisition of sole interest in family housing, including demolition, authorized improvements to public quarters, minor construction, relocation of family housing, rental guarantee payments, and planning an amount not to exceed $208,207,000, including $1,900,000 for the period July 1, 1976, through September 30, 1976.

(2) for support of military family housing, including operating expenses, leasing, maintenance of real property, payments of principal and interest on mortgage debts incurred, payment to the Commodity Credit Corporation, and mortgage insurance premiums authorized under section 222 of the National Housing Act, as amended (12 U.S.C. 1715m), an amount not to exceed

$1,434,676,000, including $308,739,000 for the period July 1, 1976, through September 30, 1976.

AIR CONDITIONING, HAWAII FAMILY HOUSING

SEC. 508. Section 509 of Public Law 93-552 (88 Stat. 1745, 1759), is hereby amended by changing the period to a comma and by adding "except as authorized by the Secretary of Defense, or his designee, for unusual circumstances resulting from excessive noise, adverse environmental conditions, or health of the occupants.".

TITLE VI—GENERAL PROVISIONS

WAIVER OF RESTRICTIONS

SEC. 601. The Secretary of each military department may proceed to establish or develop installations and facilities under this Act without regard to section 3648 of the Revised Statutes, as amended (31 U.S.C. 529), and sections 4774 and 9774 of title 10, United States Code. The authority to place permanent or temporary improvements on land includes authority for surveys, administration, overhead, planning, and supervision incident to construction. That authority may be exercised before title to the land is approved under section 355 of the Revised Statutes, as amended (40 U.S.C. 255), and even though the land is held temporarily. The authority to acquire real estate or land includes authority to make surveys and to acquire land, and interests in land (including temporary use), by gift, purchase, exchange of Government-owned land, or otherwise.

APPROPRIATIONS LIMITATIONS

SEC. 602. There are authorized to be appropriated such sums as may be necessary for the purposes of this Act, but appropriations for public works projects authorized by titles I, II, III, IV, and V, shall not exceed—

(1) for title I: Inside the United States, $596,515,000; outside the United States, $172,525,000; or a total of $769,040,000.

(2) for title II: Inside the United States, $684,339,000; outside the United States, $21,170,000; or a total of $705,509,000.

(3) for title III: Inside the United States, $379,041,000; outside the United States, $102,846,000; section 302, $3,982,000; or a total of $485,869,000.

(4) for title IV: A total of $44,800,000.

(5) for title V: Military Family Housing, $1,642,883,000.

COST VARIATIONS

SEC. 603. (a) Except as provided in subsections (b) and (c), any of the amounts specified in titles I, II, III, and IV of this Act may, at the discretion of the Secretary of the military department concerned or Director of the defense agency concerned, be increased by 5 per centum when inside the United States (other than Hawaii and Alaska), and by 10 per centum when outside the United States or in Hawaii and Alaska, if he determines that such increase (1) is required for the sole purpose of meeting unusual variations in cost, and (2) could not have been reasonably anticipated at the time such estimate was submitted to the Congress.

(b) When the amount named for any construction or acquisition in title I, II, III, or IV of this Act involves only one project at any military installation and the Secretary of the military department or Director of the defense agency concerned determines that the amount authorized must be increased by more than the applicable percentage prescribed in subsection (a), he may proceed with such construction or acquisition if the amount of the increase does not exceed by more than 25 per centum the amount named for such project by the Congress.

Report to congressional committees.

(c) When the Secretary of Defense determines that any amount named in title I, II, III, or IV of this Act must be exceeded by more than the percentages permitted in subsections (a) and (b) to accomplish authorized construction or acquisition, the Secretary of the military department concerned or Director of the defense agency concerned may proceed with such construction or acquisition after a written report of the facts relating to the increase of such amount, including a statement of the reasons for such increase, has been submitted to the Committees on Armed Services of the Senate and House of Representatives, and either (1) thirty days have elapsed from date of submission of such report, or (2) both committees have indicated approval of such construction or acquisition. Notwithstanding the provisions in prior military construction authorizations Acts, the provisions of this subsection shall apply to such prior Acts.

Cost limitation.

(d) Notwithstanding the foregoing provisions of this section, the total cost of all construction and acquisition in each such title may not exceed the total amount authorized to be appropriated in that title.

(e) No individual project authorized under title I, II, III, or IV of this Act for any specifically listed military installation for which the current working estimate is $400,000 or more may be placed under contract if—

(1) the approved scope of the project is reduced in excess of 25 per centum; or

(2) the current working estimate, based upon bids received, for the construction of such project exceeds by more than 25 per centum the amount authorized for such project by the Congress, until a written report of the facts relating to the reduced scope or increased cost of such project, including a statement of the reasons for such reduction in scope or increase in cost has been submitted to the Committees on Armed Services of the Senate and House of Representatives, and either (A) thirty days have elapsed from date of submission of such report, or (B) both committees have indicated approval of such reduction in scope or increase in cost as the case may be.

Report to congressional committees.

Annual report to Congress.

(f) The Secretary of Defense shall submit an annual report to the Congress identifying each individual project which has been placed under contract in the preceding twelve-month period and with respect to which the then current working estimate of the Department of Defense based upon bids received for such project exceeded the amount authorized by the Congress for that project by more than 25 per centum. The Secretary shall also include in such report each individual project with respect to which the scope was reduced by more than 25 per centum in order to permit contract award within the available authorization for such project. Such report shall include all pertinent cost information for each individual project, including the amount in dollars and percentage by which the current working estimate based on the contract price for the project exceeded the amount authorized for such project by the Congress.

CONSTRUCTION SUPERVISION

SEC. 604. Contracts for construction made by the United States for performance within the United States and its possessions under this Act shall be executed under the jurisdiction and supervision of the Corps of Engineers, Department of the Army, or the Naval Facilities Engineering Command, Department of the Navy, or such other department or Government agency as the Secretaries of the military departments recommend and the Secretary of Defense approves to assure the most efficient, expeditious, and cost-effective accomplishment of the construction herein authorized. The Secretaries of the military departments shall report annually to the President of the Senate and the Speaker of the House of Representatives a breakdown of the dollar value of construction contracts completed by each of the several construction agencies selected together with the design, construction supervision, and overhead fees charged by each of the several agents in the execution of the assigned construction. Further, such contracts (except architect and engineering contracts which, unless specifically authorized by the Congress shall continue to be awarded in accordance with presently established procedures, customs, and practice) shall be awarded, insofar as practicable, on a competitive basis to the lowest responsible bidder, if the national security will not be impaired and the award is consistent with chapter 137 of title 10, United States Code. The Secretaries of the military departments shall report annually to the President of the Senate and the Speaker of the House of Representatives with respect to all contracts awarded on other than a competitive basis to the lowest responsible bidder. Such reports shall also show, in the case of the ten architect-engineering firms which, in terms of total dollars, were awarded the most business; the names of such firms; the total number of separate contracts awarded each such firm; and the total amount paid or to be paid in the case of each such firm under all such contracts awarded such firm.

Report to President of the Senate and Speaker of the House.

10 USC 2301 *et seq.*

Reports to President of the Senate and Speaker of the House.

REPEAL OF PRIOR AUTHORIZATIONS; EXCEPTIONS

SEC. 605. (a) As of January 1, 1977, all authorizations for military public works, including family housing, to be accomplished by the Secretary of a military department in connection with the establishment or development of installations and facilities, and all authorizations for appropriations, therefor, that are contained in titles I, II, III, IV, and V of the Act of December 27, 1974, Public Law 93-552 (88 Stat. 1745), and all such authorizations contained in Acts approved before December 28, 1974, and not superseded or otherwise modified by a later authorization are repealed except—

Exceptions.

(1) authorizations for public works and for appropriations therefor that are set forth in those Acts in the titles that contain the general provisions;

(2) authorizations for public works projects as to which appropriated funds have been obligated for construction contracts, land acquisition, or payments to the North Atlantic Treaty Organization, in whole or in part before January 1, 1977, and authorizations for appropriations therefor.

(b) Notwithstanding the repeal provisions of section 605 of the Act of December 27, 1974, Public Law 93-552 (88 Stat. 1745, 1761), authorizations for the following items shall remain in effect until January 1, 1978:

(A) Barracks with mess construction in the amount of $535,000 at Camp A. P. Hill, Virginia, that is contained in title I, section 101 of the Act of November 29, 1973 (87 Stat. 661), as amended.

(B) Barracks with mess construction in the amount of $476,000 at Camp Pickett, Virginia, that is contained in title I, section 101 of the Act of November 29, 1973 (87 Stat. 661), as amended.

(C) Military Police barracks with support facilities construction in the amount of $1,831,000 and confinement facility construction in the amount of $6,287,000 at Fort Leonard Wood, Missouri, that is contained in title I, section 101 of the Act of November 29, 1973 (87 Stat. 661), as amended.

(D) Barracks complex construction in the amount of $8,622,000 at Fort Ord, California, that is contained in title I, section 101 of the Act of November 29, 1973 (87 Stat. 662), as amended. 88 Stat. 1745.

(E) Barracks construction in the amount of $2,965,000 at Aberdeen Proving Ground, Maryland, that is contained in title I, section 101 of the Act of November 29, 1973 (87 Stat. 662), as amended.

(F) Barracks with mess construction in the amount of $466,000 at Natick Laboratories, Massachusetts, that is contained in title I, section 101 of the Act of November 29, 1973 (87 Stat. 662), as amended.

(G) Barracks without mess construction in the amount of $3,060,000 at Fort Greely, Alaska, that is contained in title I, section 101 of the Act of November 29, 1973 (87 Stat. 662), as amended.

(H) Relocate weapons ranges from Culebra Complex in the amount of $12,000,000 for the Atlantic Fleet Weapons Range, Roosevelt Roads, Puerto Rico, that is contained in title II, section 204 of the Act of November 29, 1973 (87 Stat. 668), as amended.

(I) Authorization for acquisition of lands in support of the Air Installation Compatible Use Zones at Various Locations not limited to those in the original project in the amount of $12,000,000 that is contained in title III, section 301 of the Act of October 25, 1972 (86 Stat. 1145), as amended by section 605(3)(K) of the Act of December 27, 1974 (88 Stat. 1762), as amended.

(J) Authorization for acquisition of lands in support of the Air Installation Compatible Use Zones at Various Locations not limited to those identified in the original project in the amount of $18,000,000 that is contained in title III, section 301 of the Act of November 29, 1973 (87 Stat. 671), as amended.

UNIT COST LIMITATIONS

SEC. 606. None of the authority contained in titles I, II, III, and IV of this Act shall be deemed to authorize any building construction projects inside the United States in excess of a unit cost to be determined in proportion to the appropriate area construction cost index, based on the following unit cost limitations where the area construction index is 1.0:

(1) $35 per square foot for permanent barracks;

(2) $37 per square foot for bachelor officer quarters;

unless the Secretary of Defense, or his designee, determines that because of special circumstances, application to such project of the limitations on unit costs contained in this section is impracticable. Notwithstanding the limitations contained in prior Military Construc-

tion Authorization Acts on unit costs, the limitations on such costs contained in this section shall apply to all prior authorizations for such construction not heretofore repealed and for which construction contracts have not been awarded by the date of enactment of this Act.

AMENDMENTS TO TITLE 10, UNITED STATES CODE, RELATING TO REAL PROPERTY

SEC. 607. Chapter 159 of title 10, United States Code, is amended:

10 USC 2674. (1) By striking out "$300,000" in the item relating to section 2674 in the chapter analysis and inserting "$400,000" in place thereof.

(2) By striking out "$300,000" in the catchline of section 2674 and inserting "$400,000" in place thereof.

(3) By striking out the figures "$300,000", "$100,000", and "$50,000", in section 2674(b) and inserting "$400,000", "$200,000", and "$75,000", respectively, in place thereof.

(4) By striking out the figure "$50,000" in sections 2674(a) and (e) and inserting "$75,000" in place thereof.

10 USC 2662. (5) By striking out "quarterly" in section 2662(b) and inserting in place thereof "annually".

(6) By striking out section 2662(c) and inserting in place thereof the following:

"(c) This section applies only to real property in the United States, Puerto Rico, Guam, the American Virgin Islands, American Samoa, and the Trust Territory of the Pacific Islands. It does not apply to real property for river and harbor projects or flood control projects, or to leases of Government-owned real property for agricultual or grazing purposes or to any real property acquisition specifically authorized in a Military Construction Authorization Act.".

10 USC 2667. (7) By adding the following new subsection to section 2667:

"(f) Notwithstanding clause (3) of subsection (a), real property and associated personal property, which have been determined excess as the result of a defense installation realignment or closure, may be leased to State or local governments pending final disposition of such property if—

"(1) The Secretary concerned determines that such action would facilitate State or local economic adjustment efforts, and

"(2) the Administrator of the General Services Administration concurs in the action.".

(8) By adding after section 2672 a new section as follows:

10 USC 2672a. **"§ 2672a. Acquisition: interests in land when need is urgent**

"The Secretary of a military department may acquire any interest in land that—

"(1) he or his designee determines is needed in the interest of national defense;

"(2) is required to maintain the operation integrity of a military installation; and

"(3) considerations of urgency do not permit the delay necessary to include the required acquisition in an annual Military Construction Authorization Act.

Appropriations available for military construction may be used for the purposes of this section. The authority to acquire an interest in land under this section includes authority to make surveys and acquire interests in land (including temporary use), by gift, purchase, exchange of land owned by the United States, or otherwise. The Secretary of a military department contemplating action under this

Congressional committees, notification.

provision will provide notice, in writing, to the Armed Services Committees of the Senate and House of Representatives at least 30 days in advance of any action being taken.".

(9) By inserting in the chapter analysis

"2672a. Acquisition: interests in land when need is urgent."

immediately below

"2672. Acquisition: interests in land when cost is not more than $50,000.".

(10) By striking from the chapter analysis and the catchline relating to section 2675 the second colon and all that follows. 10 USC 2675.

(11) By striking the following words from the first sentence of section 2675: "that are not located on a military base and".

INCREASES FOR SOLAR HEATING AND SOLAR COOLING EQUIPMENT

SEC. 608. In addition to all other authorized variations of cost limitations or floor area limitations contained in this Act or prior Military Construction Authorization Acts, the Secretary of Defense, or his designee, may permit increases in the cost limitations or floor area limitations by such amounts as may be necessary to equip any projects with solar heating and/or solar cooling equipment.

LAND CONVEYANCE, GUAM

SEC. 609. The Secretary of the Navy or his designee is authorized and directed to convey to the Guam Power Authority, an agency of the Government of Guam, without monetary consideration, but subject to such reservations and terms and conditions as the Secretary of the Navy or his designee should determine to be necessary to protect the interests of the United States, all rights, titles, and interests of the United States, in and to those certain parcels of real property situated at Cabras Island, territory of Guam, known and identified as lot 257 and lot 261, containing 63.58 acres, more or less.

LAND CONVEYANCE, GEORGIA

SEC. 610. (a) The Secretary of the Army is authorized and directed to convey to the Board of Regents of the University System of Georgia, subject to the provisions of this Act, all of the right, title, and interest of the United States in and to a parcel of land, with improvements thereon, lying and being situated in Richmond County, city of Augusta, State of Georgia, more particularly described as follows:

Beginning at a chiseled X in concrete at the intersection of the south line of Walton Way with the west line of Katherine Street; thence along the west line of Katherine Street, south 02 degrees 27 minutes 55 seconds west 288.29 feet to a point 1 foot south of cyclone fence; thence along a line 1 foot south of and parallel to a cylcone fence, north 85 degrees 31 minutes 15 seconds west 227.32 feet to a point 1 foot east of a cyclone fence; thence along a line parallel to and 1 foot east of a cyclone fence south 04 degrees 19 minutes 50 seconds west 233.05 feet to a point; thence along a line 1 foot south of and parallel to a cyclone fence, north 85 degrees 19 minutes 27 seconds west 305.74 feet to a point 0.60 foot west of a cyclone fence; thence along a line parallel to and 0.60 foot west of a cyclone fence, north 04 degrees 59 minutes 48 seconds east 530.23 feet to a concrete monument on the south side of Walton Way; thence along the south side of Walton Way, south 85 degrees 30 minutes 15 seconds east 517.62 feet to the point of beginning, and containing 5.09 acres, more or less.

Terms and conditions.

(b) The conveyance authorized by this section shall be made upon payment to the United States of not less than the appraised fair market value of the land and the improvements thereon, as determined by the Secretary of the Army, or the sum of $662,000 whichever is the greater, and upon such terms, conditions, reservations, and restrictions as the Secretary of the Army shall deem necessary to protect the interests of the United States.

(c) The money received by the United States for the lands conveyed under this section shall be credited to a special account in the Treasury and shall be available, without fiscal year limitation, for the construction of a United States Army Reserve Training Center on lands owned by the United States at the intersection of Jackson and Wrightsboro Roads, Augusta, Georgia.

(d) The cost of any surveys necessary as an incident to the conveyance authorized by this section shall be borne by the Board of Regents of the University System of Georgia.

SHORT TITLE

SEC. 611. Titles I, II, III, IV, V, and VI of this Act may be cited as the "Military Construction Authorization Act, 1976".

Guard and Reserve Forces Facilities Authorization Act, 1976.
10 USC 2231 *et seq.*

TITLE VII—GUARD AND RESERVE FORCES FACILITIES

AUTHORIZATION FOR FACILITIES

SEC. 701. Subject to chapter 133 of title 10, United States Code, the Secretary of Defense may establish or develop additional facilities for the Guard and Reserve Forces, including the acquisition of land therefor, but the cost of such facilities shall not exceed—

(1) For the Department of the Army:

(A) Army National Guard of the United States, $54,745,000.

(B) Army Reserve, $44,459,000.

(2) For the Department of the Navy: Naval and Marine Corps Reserves, $34,800,000.

(3) For the Department of the Air Force:

(A) Air National Guard of the United States, $55,100,000.

(B) Air Force Reserve, $16,500,000.

WAIVER OF CERTAIN RESTRICTIONS

SEC. 702. The Secretary of Defense may establish or develop installations and facilities under this title without regard to section 3648 of the Revised Statutes, as amended (31 U.S.C. 529), and sections 4774 and 9774 of title 10, United States Code. The authority to place permanent or temporary improvements on lands includes authority for surveys, administration, overhead, planning, and supervision incident to construction. That authority may be exercised before title to the land is approved under section 355 of the Revised Statutes, as amended (40 U.S.C. 255), and even though the land is held temporarily. The authority to acquire real estate or land includes authority to make surveys and to acquire land, and interests in land (including temporary use), by gift, purchase, exchange of Government-owned land, or otherwise.

AMENDMENT TO TITLE 10, UNITED STATES CODE

SEC. 703. Chapter 133 of title 10, United States Code, is amended by striking out the figure "$25,000" in paragraph (2) of section 2233a, and inserting the figure "$50,000" in place thereof. 10 USC 2233a.

SHORT TITLE

SEC. 704. This title may be cited as the "Guard and Reserve Forces Facilities Authorization Act, 1976".

Approved October 7, 1975.

LEGISLATIVE HISTORY:

HOUSE REPORTS: No. 94-293 accompanying H.R. 5210 (Comm. on Armed Services) and No. 94-483 (Comm. of Conference).
SENATE REPORTS: No. 94-157 (Comm. on Armed Services) and No. 94-376 (Comm. of Conference).
CONGRESSIONAL RECORD, Vol. 121 (1975):
June 9, considered and passed Senate.
July 28, considered and passed House, amended, in lieu of H.R. 5210.
Sept. 24, House agreed to conference report.
Sept. 29, Senate agreed to conference report.

Public Law 94–108
94th Congress

An Act

Oct. 8, 1975
[H.R. 7715]

To extend until the close of June 30, 1978, the period during which certain dyeing and tanning materials may be imported free of duty.

Dyeing and tanning materials.
Duty suspension, extension.
19 USC 1202 note.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) item 907.80 of the Appendix to the Tariff Schedules of the United States (19 U.S.C. 1202) is amended by striking out "9/30/75" and inserting in lieu thereof "6/30/78".

(b) The amendment made by subsection (a) shall apply with respect to articles entered, or withdrawn from warehouse, for consumption after September 30, 1975.

Approved October 8, 1975.

LEGISLATIVE HISTORY:

HOUSE REPORT No. 94–299 (Comm. on Ways and Means).
SENATE REPORT No. 94–342 (Comm. on Finance).
CONGRESSIONAL RECORD, Vol. 121 (1975):
June 24, considered and passed House.
Sept. 25, considered and passed Senate.

Public Law 94–109
94th Congress

An Act

To extend the Federal Insecticide, Fungicide, and Rodenticide Act, as amended, for forty-five days.

Oct. 10, 1975
[S. 2375]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 27 of the Federal Insecticide, Fungicide, and Rodenticide Act, as amended (7 U.S.C. 136(y)), is amended by adding at the end of such section the following: "There is hereby authorized to be appropriated to carry out the provisions of this Act for the period beginning October 1, 1975, and ending November 15, 1975, the sum of $5,983,500.".

Federal Insecticide, Fungicide, and Rodenticide Act, extension.
Ante, p. 257.
7 USC 136y.

Approved October 10, 1975.

LEGISLATIVE HISTORY:

SENATE REPORT No. 94–383 (Comm. on Agriculture and Fortestry).
CONGRESSIONAL RECORD, Vol. 121 (1975):
Sept. 23, considered and passed Senate.
Sept. 30, considered and passed House, amended.
Oct. 2, Senate concurred in House amendment.

Public Law 94–110
94th Congress

Joint Resolution

Oct. 13, 1975
[H.J. Res. 683]

To implement the United States proposal for the early-warning system in Sinai.

22 USC 2441 note.

Whereas an agreement signed on September 4, 1975, by the Government of the Arab Republic of Egypt and the Government of Israel may, when it enters into force, constitute a significant step toward peace in the Middle East;

Whereas the President of the United States on September 1, 1975, transmitted to the Government of the Arab Republic of Egypt and to the Government of Israel identical proposals for United States participation in an early-warning system, the text of which has been submitted to the Congress, providing for the assignment of no more than two hundred United States civilian personnel to carry out certain specified noncombat functions and setting forth the terms and conditions thereof;

Whereas that proposal would permit the Government of the United States to withdraw such personnel if it concludes that their safety is jeopardized or that continuation of their role is no longer necessary; and

Whereas the implementation of the United States proposal for the early-warning system in Sinai may enhance the prospect of compliance in good faith with the terms of the Egyptian-Israeli agreements and thereby promote the cause of peace: Now, therefore, be it

United States proposal for the Early Warning System in Sinai. Implementation. 22 USC 2441 note.

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the President is authorized to implement the "United States Proposal for the Early Warning System in Sinai": *Provided*, *however*, That United States civilian personnel assigned to Sinai under such proposal shall be removed immediately in the event of an outbreak of hostilities between Egypt and Israel or if the Congress by concurrent resolution determines that the safety of such personnel is jeopardized or that continuation of their role is no longer necessary. Nothing contained in this resolution shall be construed as granting any authority to the President with respect to the introduction of United States Armed Forces into hostilities or into situations wherein involvement in hostilities is clearly indicated by the circumstances which authority he would not have had in the absence of this joint resolution.

22 USC 2441 note.

SEC. 2. Any concurrent resolution of the type described in the first section of this resolution which is introduced in either House of Congress shall be privileged in the same manner and to the same extent as a concurrent resolution of the type described in section 5(c) of Public Law 93–148 is privileged under section 7 of such law.

50 USC 1544, 1546.

22 USC 2441 note.

SEC. 3. The United States civilian personnel participating in the early warning system in Sinai shall include only individuals who have volunteered to participate in such system.

Reports to Congress. 22 USC 2441 note.

SEC. 4. Whenever United States civilian personnel, pursuant to this resolution, participate in an early warning system, the President shall, so long as the participation of such personnel continues, submit written reports to the Congress periodically, but no less frequently than once

every six months, on (1) the status, scope, and anticipated duration of their participation, and (2) the feasibility of ending or reducing as soon as possible their participation by substituting nationals of other countries or by making technological changes. The appropriate committees of the Congress shall promptly hold hearings on each report of the President and report to the Congress any findings, conclusions, and recommendations.

Hearings, report to Congress.

SEC. 5. The authority contained in this joint resolution to implement the "United States Proposal for the Early Warning System in Sinai" does not signify approval of the Congress of any other agreement, understanding, or commitment made by the executive branch.

22 USC 2441 note.

Approved October 13, 1975.

LEGISLATIVE HISTORY:

HOUSE REPORT No. 94–532 (Comm. on International Relations).
SENATE REPORT No. 94–415 accompanying S.J. Res. 138 (Comm. on Foreign Relations).
CONGRESSIONAL RECORD, Vol. 121 (1975):
Oct. 8, considered and passed House.
Oct. 9, considered and passed Senate, in lieu of S.J. Res. 138..
WEEKLY COMPILATION OF PRESIDENTIAL DOCUMENTS, Vol. 11, No. 42:
Oct. 13, Presidential statement.

Public Law 94–111
94th Congress

An Act

Oct. 13, 1975
[H.R. 9600]

To rescind certain budget authority recommended in the message of the President of July 26, 1975 (H. Doc. 94–225), transmitted pursuant to the Impoundment Control Act of 1974.

Certain budget authority. Rescission.
31 USC 1301 note.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the following rescissions of budget authority contained in the message of the President of July 26, 1975 (H. Doc. 94–225), are made pursuant to the Impoundment Control Act of 1974, namely:

DEPARTMENT OF INTERIOR

BUREAU OF MINES

HELIUM FUND

75 Stat. 246.

Contract authority under this head provided by Public Law 87–122 for the fiscal year 1976 is rescinded in the amount of $47,500,000.

Approved October 13, 1975.

LEGISLATIVE HISTORY:

HOUSE REPORT No. 94–496 (Comm. on Appropriations).
SENATE REPORT No. 94–403 (Comm. on Appropriations).
CONGRESSIONAL RECORD, Vol. 121 (1975):
Sept. 24, considered and passed House.
Oct. 2, considered and passed Senate.

Public Law 94–112
94th Congress

An Act

To amend the Water Resources Planning Act (79 Stat. 244), as amended.

Oct. 16, 1975
[H.R. 5952]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Water Resources Planning Act of 1965 (79 Stat. 244, as amended) is hereby further amended as follows:

Water Resources Council, membership.
42 USC 1962 note.
42 USC 1962a.

(a) By deleting in section 101 the words "the Secretary of Health, Education, and Welfare," and inserting in lieu thereof "the Secretary of Commerce, the Secretary of Housing and Urban Development, the Secretary of Transportation, the Administrator of the Environmental Protection Agency,".

42 USC 1962a–4.

(b) By deleting in section 105(a)(5) the words "to exceed $100 per diem for individuals" and inserting in lieu thereof "in excess of the daily equivalent of the rate prescribed for grade GS–18 under section 5332 of title 5 of the United States Code in the case of individual experts or consultants;".

42 USC 1962b–4.

(c) By deleting in section 205(a)(4) the words "to exceed $100 per diem" and inserting in lieu thereof "in excess of the daily equivalent of the rate prescribed for grade GS–18 under section 5332 of title 5, United States Code,".

Grants, extension.
42 USC 1962c.

(d) By deleting in section 301(a) the words "for the next fiscal year beginning after the date of the enactment of this Act, and for the nine succeeding fiscal years thereafter" and inserting in lieu thereof "for fiscal years 1977 and 1978,".

Appropriation authorization.
42 USC 1962d.

(e) By deleting immediately after the phrase "(c) not to exceed" in section 401(c) the words "$3,500,000 annually for fiscal years 1974 and 1975" and inserting in lieu thereof "a total of $10,000,000 for fiscal years 1976 and 1977".

Approved October 16, 1975.

LEGISLATIVE HISTORY:

HOUSE REPORT No. 94–504 (Comm. on Interior and Insular Affairs).
SENATE REPORT No. 94–408 accompanying S. 506 (Comm. on Interior and Insular Affairs).
CONGRESSIONAL RECORD, Vol. 121 (1975):
Oct. 6, considered and passed House.
Oct. 7, considered and passed Senate, in lieu of S. 506.

Public Law 94–113
94th Congress

An Act

Oct. 16, 1975
[S. 1549]

To amend the Federal Rules of Evidence, and for other purposes.

Federal Rules of Evidence, amendment.
28 USC app.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That rule 801(d)(1) of the Federal Rules of Evidence (88 Stat. 1938) is amended by adding at the end thereof a new clause (C), as follows: "(C) one of identification of a person made after perceiving him; or".

Effective date.
28 USC app.

SEC. 2. This Act shall become effective on the fifteenth day after the date of the enactment of this Act.

Approved October 16, 1975.

LEGISLATIVE HISTORY:

HOUSE REPORT No. 94–355 (Comm. on the Judiciary).
SENATE REPORT No. 94–199 (Comm. on the Judiciary).
CONGRESSIONAL RECORD, Vol. 121 (1975):
June 19, considered and passed Senate
Oct. 6, considered and passed House, amended.
Oct. 7, Senate concurred in House amendments.

Public Law 94-114
94th Congress

An Act

To declare that certain submarginal land of the United States shall be held in trust for certain Indian tribes and be made a part of the reservations of said Indians, and for other purposes.

Oct. 17, 1975
[S. 1327]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) except as hereinafter provided, all of the right, title, and interest of the United States of America in all of the land, and the improvements now thereon, that was acquired under title II of the National Industrial Recovery Act of June 16, 1933 (48 Stat. 200), the Emergency Relief Appropriation Act of April 8, 1935 (49 Stat. 115), and section 55 of the Act of August 24, 1935 (49 Stat. 750, 781), and that are now administered by the Secretary of the Interior for the use or benefit of the Indian tribes identified in section 2(a) of this Act, together with all minerals underlying any such land whether acquired pursuant to such Acts or otherwise owned by the United States, are hereby declared to be held by the United States in trust for each of said tribes, and (except in the case of the Cherokee Nation) shall be a part of the reservations heretofore established for each of said tribes.

Indians.
Certain tribes.
Lands in trust.
25 USC 459.

40 USC 401-411a note.
15 USC 724-728 note.

(b) The property conveyed by this Act shall be subject to the appropriation or disposition of any of the lands, or interests therein, within the Pine Ridge Indian Reservation, South Dakota, as authorized by the Act of August 8, 1968 (82 Stat. 663), and subject to a reservation in the United States of a right to prohibit or restrict improvements or structures on, and to continuously or intermittently inundate or otherwise use, lands in sections 25 and 26, township 48 north, range 3 west, at Odanah, Wisconsin, in connection with the Bad River flood control project as authorized by section 203 of the Act of July 3, 1958 (72 Stat. 297, 311): *Provided*, That this Act shall not convey the title to any part of the lands or any interest therein that prior to enactment of this Act have been included in the authorized water resources development projects in the Missouri River Basin as authorized by section 203 of the Act of July 3, 1958 (72 Stat. 297, 311), as amended and supplemented: *Provided further*, That such lands included in Missouri River Basin projects shall be treated as former trust lands are treated.

16 USC 441j.

25 USC 459a.

SEC. 2. (a) The lands, declared by section 1 of this Act to be held in trust by the United States for the benefit of the Indian tribes named in this section, are generally described as follows:

Tribe	Reservation	Submarginal land project donated to said tribe or group	Approximate acreage
1. Bad River Band of the Lake Superior Tribe of Chippewa Indians of Wisconsin.	Bad River	Bad River LI-WI-8	13,148.81
2. Blackfeet Tribe	Blackfeet	Blackfeet LI-MT-9	9,036.73
3. Cherokee Nation of Oklahoma		Delaware LI-OK-4	18,749.19
		Adair LI-OK-5	
4. Cheyenne River Sioux Tribe	Cheyenne River	Cheyenne Indian LI-SD-13	3,738.47
5. Crow Creek Sioux Tribe	Crow Creek	Crow Creek LI-SD-10	19,169.89
6. Lower Brule Sioux Tribe	Lower Brule	Lower Brule LI-SD-10	13,209.22
7. Devils Lake Sioux Tribe	Fort Totten	Fort Totten LI-ND-11	1,424.45
8. Fort Belknap Indian Community.	Fort Belknap	Fort Belknap LI-MT-8	25,530.10
9. Assiniboine and Sioux Tribes	Fort Peck	Fort Peck LI-MT-6	85,835.52
10. Lac Courte Oreilles Band of Lake Superior Chippewa Indians.	Lac Courte Oreilles.	Lac Courte LI-WI-9	13,184.65
11. Keweenaw Bay Indian Community.	L'Anse	L'Anse LI-MI-8	4,016.49
12. Minnesota Chippewa Tribe	White Earth	Twin Lakes LI-MN-6	28,544.80
		Flat Lake LI-MN-15	
13. Navajo Tribe	Navajo	Gallup-Two Wells LI-NM-18	69,947.24
14. Oglala Sioux Tribe	Pine Ridge	Pine Ridge LI-SD-7	18,064.48
15. Rosebud Sioux Tribe	Rosebud	Cutmeat LI-SD-8	28,734.59
		Antelope LI-SD-9	
16. Shoshone-Bannock Tribes	Fort Hall	Fort Hall LI-ID-2	8,711
17. Standing Rock Sioux Tribe	Standing Rock	Standing Rock LI-ND-10	10,255.5
		Standing Rock LI-SD-10	

Publication in Federal Register.

(b) The Secretary of the Interior shall cause to be published in the Federal Register the boundaries and descriptions of the lands conveyed by this Act. The acreages set out in the preceding subsection are estimates and shall not be construed as expanding or limiting the grant of the United States as defined in section 1 of this Act.

25 USC 459b.

SEC. 3. (a) All of the right, title, and interest of the United States in all the minerals including gas and oil underlying the submarginal lands declared to be held in trust for the Stockbridge Munsee Indian Community by the Act of October 9, 1972 (86 Stat. 795), are hereby declared to be held by the United States in trust for the Stockbridge Munsee Indian Community.

Repeal.

(b) Section 2 of said Act of October 9, 1972, is hereby repealed.

(c) Section 5 of the Act of October 13, 1972 (86 Stat. 806), relating to the Burns Indian Colony is amended by striking the words "conveyed by this Act" and inserting in lieu thereof the words "conveyed by section 2 of this Act".

25 USC 459c.

SEC. 4. (a) Nothing in this Act shall deprive any person of any existing valid right of possession, contract right, interest, or title he may have in the land involved, or of any existing right of access to public domain lands over and across the land involved, as determined by the Secretary of the Interior. All existing mineral leases, including oil and gas leases, which may have been issued or approved pursuant to section 5 of the Mineral Leasing Act for Acquired Lands of August 7, 1947 (61 Stat. 913, 915), or the Mineral Leasing Act of 1920 (41 Stat. 437), as amended prior to enactment of this Act, shall remain in force and effect in accordance with the provisions thereof. All applications for mineral leases, including oil and gas leases, pursuant to such Acts, pending on the date of enactment of this Act and covering any of the minerals conveyed by sections 1 and 3 of this Act shall be rejected and the advance rental payments returned to the applicants.

30 USC 354.
30 USC 181 note.

(b) Subject to the provisions of subsection (a) of this section, the property conveyed by this Act shall hereafter be administered in accordance with the laws and regulations applicable to property held in trust by the United States for Indian tribes, including but not limited to the Act of May 11, 1938 (52 Stat. 347), as amended. 25 USC 396a.

SEC. 5. (a) Any and all gross receipts derived from, or which relate to, the property conveyed by this Act, the Act of July 20, 1956 (70 Stat. 581), the Act of August 2, 1956 (70 Stat. 941), the Act of October 9, 1972 (86 Stat. 795), and section 1 of the Act of October 13, 1972 (86 Stat. 806) which were received by the United States subsequent to its acquisition by the United States under the statutes cited in section 1 of this Act and prior to such conveyance, from whatever source and for whatever purpose, including but not limited to the receipts in the special fund of the Treasury as required by section 6 of the Mineral Leasing Act for Acquired Lands of August 7, 1947 (61 Stat. 913, 915), shall as of the date of enactment of this Act be deposited to the credit of the Indian tribe receiving such land and may be expended by the tribe for such beneficial programs as the tribal governing body may determine: *Provided*, That this section shall not apply to any such receipts received prior to enactment of this Act from the leasing of public domain minerals which were subject to the Mineral Leasing Act of 1920 (41 Stat. 437), as amended and supplemented. 25 USC 459d. 25 USC 465 note. 30 USC 355. 30 USC 181 note.

(b) All gross receipts (including but not limited to bonuses, rents, and royalties) hereafter derived by the United States from any contract, permit or lease referred to in section 4(a) of this Act, or otherwise, shall be administered in accordance with the laws and regulations applicable to receipts from property held in trust by the United States for Indian tribes.

SEC. 6. All property conveyed to tribes pursuant to this Act and all the receipts therefrom referred to in section 5 of this Act, shall be exempt from Federal, State, and local taxation so long as such property is held in trust by the United States. Any distribution of such receipts to tribal members shall neither be considered as income or resources of such members for purposes of any such taxation nor as income, resources, or otherwise utilized as the basis for denying or reducing the financial assistance or other benefits to which such member or his household would otherwise be entitled to under the Social Security Act or any other Federal or federally assisted program. Tax exemption. 25 USC 459e. 42 USC 301 note.

Approved October 17, 1975.

LEGISLATIVE HISTORY:

HOUSE REPORT No. 94-480 accompanying H.R. 5778 (Comm. on Interior and Insular Affairs).
SENATE REPORT No. 94-377 (Comm. on Interior and Insular Affairs).
CONGRESSIONAL RECORD, Vol. 121 (1975):
Sept. 19, considered and passed Senate.
Oct. 6, considered and passed House, amended, in lieu of H.R. 5778.
Oct. 7, Senate concurred in House amendment.

Public Law 94–115
94th Congress

An Act

Oct. 17, 1975
[S. 557]

To declare that certain land of the United States is held by the United States in trust for the pueblo of Laguna.

Indians.
Pueblo of Laguna, N. Mex.
Lands in trust.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That all right, title, and interest of the United States in and to the following described land, and improvements thereon, are hereby declared to be held by the United States in trust for the pueblo of Laguna:

NEW MEXICO PRINCIPAL MERIDIAN

Township 9 north, range 3 west, section 30, northwest quarter and south half, containing 480 acres, more or less;

Township 9 north, range 3 west, section 11, lots 1, 2, 3, 4, and 5, containing 9.65 acres, more or less;

Township 9 north, range 3 west, section 12, lots 1 and 2, containing 3.68 acres, more or less;

Township 9 north, range 3 west, section 14, lots 1 and 2, containing 4.72 acres, more or less;

Township 9 north, range 3 west, section 23, lots 1 and 2, containing 9.16 acres, more or less;

Township 9 north, range 3 west, section 26, lots 1 and 2, containing 9.28 acres, more or less; and

Township 9 north, range 3 west, section 35, lots 1 and 2, containing 3.41 acres, more or less.

Approved October 17, 1975.

LEGISLATIVE HISTORY:

HOUSE REPORT No. 94–478 accompanying H.R. 4804 (Comm. on Interior and Insular Affairs).
SENATE REPORT No. 94–147 (Comm. on Interior and Insular Affairs).
CONGRESSIONAL RECORD, Vol. 121 (1975):
May. 21, considered and passed Senate.
Oct. 6, considered and passed House, in lieu of H.R. 4804.

Public Law 94-116
94th Congress

An Act

Making appropriations for the Department of Housing and Urban Development, and for sundry independent executive agencies, boards, bureaus, commissions, corporations, and offices for the fiscal year ending June 30, 1976, and the period ending September 30, 1976, and for other purposes.

Oct. 17, 1975
[H.R. 8070]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the following sums are appropriated, out of any money in the Treasury not otherwise appropriated, for the Department of Housing and Urban Development, and for sundry independent executive agencies, boards, bureaus, commissions, corporations, and offices for the fiscal year ending June 30, 1976, the period ending September 30, 1976, and for other purposes, namely:

Department of Housing and Urban Development—Independent Agencies Appropriation Act, 1976.

TITLE I

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Housing Programs

EMERGENCY HOMEOWNERS' RELIEF FUND

For emergency mortgage relief payments and for other expenses of the Emergency Homeowners' Relief Fund, as authorized by title I of the Emergency Housing Act of 1975 (Public Law 94-50), $35,000,000, to remain available until September 30, 1976.

Ante, p. 249.
12 USC 2701.

STATE HOUSING FINANCE AND DEVELOPMENT AGENCIES

For interest grant payments pursuant to section 802(c)(2) of the Housing and Community Development Act of 1974 (88 Stat. 722), $15,000,000, to remain available until September 30, 1976: *Provided*, that the total of contracts for annual payments entered into under such section shall not exceed $15,000,000: *Provided further*, That the total new budget authority obligated under such contracts entered into after June 30, 1975, shall not exceed $600,000,000.

42 USC 1440.

ANNUAL CONTRIBUTIONS FOR ASSISTED HOUSING

The additional amount of contracts for annual contributions, not otherwise provided for, as authorized by section 5 of the United States Housing Act of 1937, as amended (42 U.S.C. 1437c), entered into after June 30, 1975, shall not exceed $662,300,000, which amount shall be in addition to balances of authorization heretofore made available for such contracts: *Provided*, That the total new budget authority obligated under such contracts entered into after June 30, 1975, shall not exceed $17,000,000,000, which amount shall not include budget authority obligated under balances of authorization heretofore made available: *Provided further*, That at least $50,000,000 of the new contract authority herein made available shall be used only for contracts for annual contributions to assist in financing the development or acquisition of low-income housing projects to be owned by public

42 USC 1437f.

housing agencies other than under section 8 of the above Act: *Provided further*, That not less than 50 per centum of the funds made available by this Act which are used pursuant to section 8 of the above Act shall be allocated to contracts to make assistance payments with respect to newly constructed or substantially rehabilitated housing: *And provided further*, That in fiscal year 1976 and the period ending September 30, 1976, the fair market rent basis of contracts approved pursuant to section 8 of the above Act shall not exceed by more than 10 per centum in the aggregate, or 20 per centum in individual market areas, those published in the Federal Register through September 8, 1975.

RENT SUPPLEMENTAL PROGRAM

The limitation otherwise applicable to the maximum payments that may be required in any fiscal year by all contracts entered into under section 101 of the Housing and Urban Development Act of 1965 (12 U.S.C. 1701s) is increased by $20,000,000.

HOUSING FOR THE ELDERLY OR HANDICAPPED

12 USC 1701q.

The limitation on the aggregate loans that may be made under section 202 of the Housing Act of 1959, as amended, from the fund authorized by subsection (a) (4) of such section, is hereby established for the fiscal year 1976 through the period ending September 30, 1976, at $375,000,000 in accordance with paragraph (C) of such subsection, which funds shall be available only to qualified nonprofit sponsors for the purpose of providing 100 per centum loans for the development of housing for the elderly or handicapped, with any cash equity or other financial commitments imposed as a condition of loan approval to be returned to the sponsor if sustaining occupancy is achieved in a reasonable period of time: *Provided*, That the full amount shall be available for permanent financing (including construction financing) for housing projects for the elderly or handicapped.

HOUSING PAYMENTS

For the payment of annual contributions, not otherwise provided for, in accordance with section 5 of the United States Housing Act of 1937, as amended (42 U.S.C. 1437c); for payments authorized by title IV of the Housing Act of 1950, as amended (12 U.S.C. 1749 et seq.); for rent supplement payments authorized by section 101 of the Housing and Urban Development Act of 1965, as amended (12 U.S.C. 1701s); and for payments as authorized by sections 235 and 236, of the National Housing Act, as amended (12 U.S.C. 1715z, 1715z-1), $2,245,000,000.

For "Housing payments" for the period July 1, 1976, through September 30, 1976, $600,000,000.

PAYMENTS FOR OPERATION OF LOW-INCOME HOUSING PROJECTS

For annual contributions to public housing agencies for the payment of operating subsidies for low-income housing projects as authorized by section 9 of the United States Housing Act of 1937, as amended (42 U.S.C. 1437g), $535,000,000: *Provided*, That the aggregate amount of contracts for annual contributions entered into for such payments shall not exceed $535,000,000.

For "Payments for operation of low-income housing projects" for the period July 1, 1976, through September 30, 1976, $80,000,000:

Provided, That the aggregate amount of contracts for such payments shall not exceed $80,000,000.

SALARIES AND EXPENSES, HOUSING PROGRAMS

For necessary administrative expenses, not otherwise provided for, and for nonadministrative expenses as classified by section 1 of the National Housing Act, as amended (12 U.S.C. 1701), in carrying out programs of housing production and mortgage credit and housing management, $199,000,000, of which $158,650,000 shall be provided by transfer from the various funds of the Federal Housing Administration: *Provided*, That administrative expenses in connection with the Revolving fund (liquidating programs) shall be exclusive of expenses necessary in the case of defaulted obligations to protect the interests of the Government.

For "Salaries and expenses, housing programs" for the period July 1, 1976, through September 30, 1976, $49,800,000, of which $39,850,000 shall be provided by transfer from the various funds of the Federal Housing Administration.

GOVERNMENT NATIONAL MORTGAGE ASSOCIATION

EMERGENCY MORTGAGE PURCHASE ASSISTANCE

The total amount of purchases and commitments authorized to be made pursuant to section 313 of the National Housing Act, as amended (12 U.S.C. 1723e; 88 Stat. 1364; Public Law 94-50), shall not exceed $5,000,000,000 outstanding at any one time, which amount shall be in addition to balances of authorization heretofore made available for purchases and commitments pursuant to said section and which shall continue available after October 18, 1975: *Provided*, That the Association may borrow from the Secretary of the Treasury in accordance with said section, in such amounts as are necessary to carry out the purposes and requirements of said section as authorized herein. *Ante*, p. 254.

PAYMENT OF PARTICIPATION SALES INSUFFICIENCIES

For the payment of such insufficiencies as may be required by the Government National Mortgage Association, as trustee, on account of outstanding beneficial interests or participations in assets of the Department of Housing and Urban Development (including the Government National Mortgage Association) authorized by the Independent Offices and Department of Housing and Urban Development Appropriation Act, 1968, to be issued pursuant to section 302(c) of the Federal National Mortgage Association Charter Act, as amended, $20,935,000. 81 Stat. 341. 12 USC 1717.

For "Payment of participation sales insufficiencies" for the period July 1, 1976, through September 30, 1976, $5,291,000.

COMMUNITY PLANNING AND DEVELOPMENT

REHABILITATION LOAN FUND

For the revolving fund established pursuant to section 312 of the Housing Act of 1964, as amended (42 U.S.C. 1452b), $50,000,000, to remain available until August 22, 1976.

COMMUNITY DEVELOPMENT GRANTS AND TRANSFER OF UNEXPENDED BALANCE

For contracts with and payments to States and units of general local government and for related expenses, not otherwise provided for, necessary for carrying out a community development grant program as authorized by Title I of the Housing and Community Development Act of 1974 (P.L. 93-383, 88 Stat. 633), $2,700,000,000, of which $964,000,000 shall be derived by transfer from the unexpended balance of budget authority provided by section 401(d)(1) of the Housing Act of 1950, as amended (12 U.S.C. 1749(d)(1)), which shall be treated the same as other budget authority provided by this paragraph, to remain available until September 30, 1978.

42 USC 5301.

For grants to States and units of general local government, to be used only for expenses necessary for carrying out a community development grant program authorized by Section 106(d)(2) of Title I of the Housing and Community Development Act of 1974, $52,000,000, to remain available until September 30, 1978.

42 USC 5306.

For grants to units of general local government for urgent community development needs pursuant to section 103(b) of Title I of the Housing and Community Development Act of 1974, $50,000,000, to remain available until September 30, 1978.

42 USC 5303.

COMPREHENSIVE PLANNING GRANTS

For comprehensive planning grants as authorized by section 701 of the Housing Act of 1954, as amended (40 U.S.C. 461), $75,000,000, to remain available until expended.

SALARIES AND EXPENSES, COMMUNITY PLANNING AND DEVELOPMENT PROGRAMS

For necessary administrative expenses of programs of community planning and development, not otherwise provided for, $41,740,000.

For "Salaries and expenses, community planning and development programs" for the period July 1, 1976, through September 30, 1976, $10,500,000.

FEDERAL INSURANCE ADMINISTRATION

FLOOD INSURANCE

For necessary administrative expenses, not otherwise provided for, in carrying out the National Flood Insurance Act of 1968, as amended (42 U.S.C. Chap. 50), $75,000,000.

42 USC 4001 note.

For "Flood insurance" for the period July 1, 1976, through September 30, 1976, $18,750,000.

OFFICE OF INTERSTATE LAND SALES REGISTRATION

INTERSTATE LAND SALES

For necessary expenses of carrying out the Interstate Land Sales Full Disclosure Act (15 U.S.C. 1720), not otherwise provided for, $2,726,000.

For "Interstate land sales" for the period July 1, 1976, through September 30, 1976, $645,000.

POLICY DEVELOPMENT AND RESEARCH

RESEARCH AND TECHNOLOGY

For contracts, grants, and necessary expenses of programs of research and studies relating to housing and urban problems, not otherwise provided for, as authorized by title V of the Housing and Urban Development Act of 1970, as amended, (12 U.S.C. 1701z–1 et seq.), including carrying out the functions of the Secretary under section 1(a)(1)(i) of Reorganization Plan No. 2 of 1968, $53,000,000, to remain available until September 30, 1977: *Provided*, That $400,000 of the foregoing amount shall be used only for a grant to the Housing Assistance Council: *Provided further*, That $1,000,000 of the foregoing amount shall be used only for mobile home construction and safety standard activities.

Grants and contracts.

49 USC 1608 note.

For "Research and technology" for the period July 1, 1976, through September 30, 1976, $15,500,000, to remain available until September 30, 1977.

SALARIES AND EXPENSES, POLICY DEVELOPMENT AND RESEARCH

For necessary administrative expenses of programs of policy development and research, not otherwise provided for, $6,765,000.

For "Salaries and expenses, policy development and research" for the period July 1, 1976, through September 30, 1976, $1,700,000.

FAIR HOUSING AND EQUAL OPPORTUNITY

FAIR HOUSING AND EQUAL OPPORTUNITY

For expenses necessary to carry out the functions of the Secretary pursuant to title VIII of the Civil Rights Act of 1968 (42 U.S.C. 3601), and other equal opportunity and fair housing programs authorized by law, not otherwise provided for, $12,735,000.

For "Fair housing and equal opportunity" for the period July 1, 1976, through September 30, 1976, $3,265,000.

DEPARTMENTAL MANAGEMENT

GENERAL DEPARTMENTAL MANAGEMENT

For necessary administrative expenses of the Secretary, not otherwise provided for, in overall program planning and direction in the Department, including not to exceed $2,500 for official reception and representation expenses, $5,905,000.

For "General departmental management" for the period July 1, 1976, through September 30, 1976, including not to exceed $625 for official reception and representation expenses, $1,510,000.

SALARIES AND EXPENSES, OFFICE OF GENERAL COUNSEL

For necessary expenses of the Office of General Counsel, not otherwise provided for, $5,089,000, of which $1,750,000 shall be provided by transfer from the various funds of the Federal Housing Administration, as provided by the National Housing Act (12 U.S.C. 1701).

Transfer of funds.

For "Salaries and expenses, Office of General Counsel" for the period July 1, 1976, through September 30, 1976, $1,319,000, of which

Transfer of funds.

$465,000 shall be provided by transfer from the various funds of the Federal Housing Administration, as provided by the National Housing Act (12 U.S.C. 1701).

SALARIES AND EXPENSES, OFFICE OF INSPECTOR GENERAL

For necessary expenses of the Office of Inspector General, not otherwise provided for, $10,280,000, of which $3,035,000 shall be provided by transfer from the various funds of the Federal Housing Administration, as provided by the National Housing Act (12 U.S.C. 1701).

For "Salaries and expenses, Office of Inspector General" for the period July 1, 1976, through September 30, 1976, $2,615,000, of which $810,000 shall be provided by transfer from the various funds of the Federal Housing Administration, as provided by the National Housing Act (12 U.S.C. 1701).

ADMINISTRATION AND STAFF SERVICES

Transfer of funds.

For administrative expenses necessary in providing general administration and staff services within the Department, not otherwise provided for, $53,125,000, of which $31,092,000 shall be provided by transfer from the various funds of the Federal Housing Administration, as provided by the National Housing Act (12 U.S.C. 1701).

For "Administration and staff services" for the period July 1, 1976, through September 30, 1976, $12,803,000, of which $7,195,000 shall be provided by transfer from the various funds of the Federal Housing Administration, as provided by the National Housing Act (12 U.S.C. 1701).

REGIONAL MANAGEMENT AND SERVICES

Transfer of funds.

For necessary administrative expenses, not otherwise provided for, of management and program coordination in the regional offices of the Department, $40,500,000, of which $15,580,000 shall be provided by transfer from the various funds of the Federal Housing Administration, as provided by the National Housing Act (12 U.S.C. 1701).

For "Regional management and services" for the period July 1, 1976, through September 30, 1976, $10,000,000, of which $3,905,000 shall be provided by transfer from the various funds of the Federal Housing Administration, as provided by the National Housing Act (12 U.S.C. 1701).

FUNDS APPROPRIATED TO THE PRESIDENT

Federal Disaster Assistance Administration

DISASTER RELIEF

42 USC 4401 note.
42 USC 5121 note.
50 USC app. 227 note.

For expenses necessary to carry out the functions of the Department of Housing and Urban Development under the Disaster Relief Act of 1970, as amended, the Disaster Relief Act of 1974, and Reorganization Plan No. 1 of 1973, authorizing assistance to States and local governments, $150,000,000, to remain available until expended: *Provided*, That not to exceed 3 per centum of the foregoing amount shall be available for administrative expenses.

For "Disaster relief" for the period July 1, 1976, through September 30, 1976, $37,500,000, to remain available until expended: *Provided*, That not to exceed 3 per centum of the foregoing amount shall be available for administrative expenses.

TITLE II

INDEPENDENT AGENCIES

American Battle Monuments Commission

SALARIES AND EXPENSES

For necessary expenses, not otherwise provided for, of the American Battle Monuments Commission, including the acquisition of land or interest in land in foreign countries; purchase and repair of uniforms for caretakers of national cemeteries and monuments, outside of the United States and its territories and possessions; not to exceed $67,000 for expenses of travel; rent of office and garage space in foreign countries; purchase (one for replacement only) and hire of passenger motor vehicles; and insurance of official motor vehicles in foreign countries when required by law of such countries; $5,012,000: *Provided*, That where station allowance has been authorized by the Department of the Army for officers of the Army serving the Army at certain foreign stations, the same allowance shall be authorized for officers of the Armed Forces assigned to the Commission while serving at the same foreign stations, and this appropriation is hereby made available for the payment of such allowance: *Provided further*, That when traveling on business of the Commission, officers of the Armed Forces serving as members or as secretary of the Commission may be reimbursed for expenses as provided for civilian members of the Commission: *Provided further*, That the Commission shall reimburse other Government agencies, including the Armed Forces, for salary, pay, and allowances of personnel assigned to it.

36 USC 121b.

36 USC 122.

36 USC 122a.

For "Salaries and expenses" for the period July 1, 1976, through September 30, 1976, $1,450,000.

Consumer Product Safety Commission

SALARIES AND EXPENSES

For necessary expenses of the Consumer Product Safety Commission, including rent in the District of Columbia and hire of passenger motor vehicles, services as authorized by 5 U.S.C. 3109 but at rates for individuals not to exceed the per diem rate equivalent to the rate for GS-18, and not to exceed $800 for official reception and representation, $41,820,000: *Provided*, That funds provided by this appropriation for laboratories shall be available only for the acquisition or conversion of existing laboratories.

5 USC 5332 note.

For necessary expenses of the "Consumer Product Safety Commission" for the period July 1, 1976, through September 30, 1976, including rent in the District of Columbia and hire of passenger vehicles, services as authorized by 5 U.S.C. 3109 but at rates for individuals not to exceed the per diem rate equivalent to the rate for GS-18, and not to exceed $200 for official reception and representation, $10,355,000.

None of the funds provided to the Consumer Product Safety Commission by this Act may be used for the preparation or enforcement of regulations to restrict the sale of firearms, ammunition or components thereof.

DEPARTMENT OF DEFENSE—CIVIL

CEMETERIAL EXPENSES, ARMY

SALARIES AND EXPENSES

For necessary expenses, as authorized by law, of maintenance, operation, and improvement of the cemetery at the Soldiers' and Airmen's Home and Arlington National Cemetery, including the purchase of three passenger motor vehicles for replacement only, $5,615,000, to remain available until expended: *Provided*, That reimbursement shall be made to the applicable military appropriation for the pay and allowances of any military personnel performing services primarily for the purposes of this appropriation.

For "Salaries and expenses" for the period July 1, 1976, through September 30, 1976, $966,000, to remain available until expended.

ENVIRONMENTAL PROTECTION AGENCY

AGENCY AND REGIONAL MANAGEMENT

For agency and regional management expenses, including official, reception and representation expenses (not to exceed $3,500); hire of passenger motor vehicles; hire, maintenance, and operation of aircraft; uniforms, or allowances therefor, as authorized by 5 U.S.C. 5901–5902; services as authorized by 5 U.S.C. 3109, but at rates for individuals not to exceed the per diem rate equivalent to the rate for GS–18; purchase of reprints; library memberships in societies or associations which issue publications to members only or at a price to members lower than to subscribers who are not members; $65,374,000; including $5,000,000 to provide for the preparation of Environmental Impact Statements as required by section 102(2)(C) of the National Environmental Policy Act on all proposed actions by the Environmental Protection Agency, except where prohibited by law.

5 USC 5332 note.

42 USC 4332.

For "Agency and regional management" for the period July 1, 1976, through September 30, 1976, $16,923,000, of which not to exceed $875 may be for official reception and representation expenses.

ENERGY RESEARCH AND DEVELOPMENT

For energy research and development activities, including hire of passenger motor vehicles; hire, maintenance, and operation of aircraft; uniforms, or allowances therefor, as authorized by sections 5901–5902, United States Code, title 5; services as authorized by 5 U.S.C. 3109, but at rates for individuals not to exceed the per diem rate equivalent to the rate of GS–18; purchase of reprints; library memberships in societies or associations which issue publications to members only or at a price to members lower than to subscribers who are not members; $100,000,000, to remain available until expended.

For "Energy research and development" for the period July 1, 1976, through September 30, 1976, $21,000,000, to remain available until expended.

RESEARCH AND DEVELOPMENT

For research and development activities, including hire of passenger motor vehicles; hire, maintenance, and operation of aircraft; uniforms, or allowances therefor, as authorized by 5 U.S.C. 5901–5902; services

as authorized by 5 U.S.C. 3109, but at rates for individuals not to exceed the per diem rate equivalent to the rate of GS–18; purchase of reprints; library memberships in societies or associations which issue publications to members only or at a price to members lower than to subscribers who are not members; $170,674,000, to remain available until expended. 5 USC 5332 note.

For "Research and development" for the period July 1, 1976, through September 30, 1976, $42,923,000, to remain available until expended.

ABATEMENT AND CONTROL

For abatement and control activities, including hire of passenger motor vehicles; hire, maintenance, and operation of aircraft; uniforms, or allowances therefor, as authorized by 5 U.S.C. 5901–5902; services as authorized by 5 U.S.C. 3109, but at rates for individuals not to exceed the per diem rate equivalent to the rate for GS–18; purchase of reprints; library memberships in societies or associations which issue publications to members only or at a price to members lower than to subscribers who are not members; to remain available until expended, $375,766,000, and for liquidation of obligations incurred in carrying out section 208 of the Federal Water Pollution Control Act, as amended, $65,000,000, to remain available until expended. 33 USC 1288.

For "Abatement and control" for the period July 1, 1976, through September 30, 1976, $92,639,000, to remain available until expended, and for liquidation of obligations incurred in carrying out section 208 of the Federal Water Pollution Control Act, as amended, $19,000,000, to remain available until expended.

ENFORCEMENT

For enforcement activities, including hire of passenger motor vehicles; hire, maintenance, and operation of aircraft; uniforms, or allowances therefor, as authorized by 5 U.S.C. 5901–5902; services as authorized by 5 U.S.C. 3109, but at rates for individuals not to exceed the per diem rate equivalent to the rate for GS–18; purchase of reprints; library memberships in societies or associations which issue publications to members only or at a price to members lower than to subscribers who are not members; $53,606,000.

For "Enforcement" for the period July 1, 1976, through September 30, 1976, $13,931,000.

BUILDINGS AND FACILITIES

For construction, repair, improvement, extension, alteration, and purchase of fixed equipment of facilities of or used by the Environmental Protection Agency, $2,100,000, to remain available until expended.

For "Buildings and facilities" for the period July 1, 1976, through September 30, 1976, $500,000, to remain available until expended.

CONSTRUCTION GRANTS

For liquidation of obligations incurred pursuant to authority contained in section 203 of the Federal Water Pollution Control Act, as amended, $500,000,000, to remain available until expended. 33 USC 1283.

For liquidation of obligations, "Construction grants" for the period July 1, 1976, through September 30, 1976, $600,000,000, to remain available until expended.

SCIENTIFIC ACTIVITIES OVERSEAS (SPECIAL FOREIGN CURRENCY PROGRAM)

For payments in foreign currencies which the Treasury Department determines to be excess to the normal requirements of the United States, for necessary expenses of the Environmental Protection Agency in the conduct of scientific activities overseas in connection with environmental pollution, as authorized by law, $4,000,000, to remain available until expended: *Provided*, That this appropriation shall be available in addition to other operations to such Agency, for payments in the foregoing currencies.

For "Scientific activities overseas (special foreign currency program)" for the period July 1, 1976, through September 30, 1976, $670,000, to remain available until expended.

GENERAL PROVISION

Transfer of funds.

Not to exceed 7 per centum of any appropriation made available to the Environmental Protection Agency by this Act (except appropriations for "Construction Grants") may be transferred to any other such appropriation.

No funds provided for the Environmental Protection Agency by this Act may be used for any Federal insecticide, fungicide, or rodenticide activity after September 30, 1975, that is not authorized by law.

EXECUTIVE OFFICE OF THE PRESIDENT

COUNCIL ON ENVIRONMENTAL QUALITY AND OFFICE OF ENVIRONMENTAL QUALITY

For expenses necessary for the Council on Environmental Quality and the Office of Environmental Quality, in carrying out their functions under the National Environmental Policy Act of 1969 (Public Law 91-190) and the National Environmental Improvement Act of 1970 (Public Law 91-224), including official reception and representation expenses (not to exceed $1,000), hire of passenger vehicles, and support of the Citizens' Advisory Committee on Environmental Quality, $2,736,000.

42 USC 4321 note.
42 USC 4371 note.

For the "Council on Environmental Quality and Office of Environmental Quality" for the period July 1, 1976, through September 30, 1976, including official reception and representation expenses (not to exceed $250), hire of passenger vehicles and support of the Citizens' Advisory Committee on Environmental Quality, $697,000.

GENERAL SERVICES ADMINISTRATION

CONSUMER INFORMATION CENTER

For necessary expenses of the Consumer Information Center, including services authorized by 5 U.S.C. 3109, $1,054,000.

For "Consumer Information Center" for the period July 1, 1976, through September 30, 1976, $264,000.

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

OFFICE OF CONSUMER AFFAIRS

For necessary expenses of the Office of Consumer Affairs, including services authorized by 5 U.S.C. 3109, $1,488,000.

For "Office of Consumer Affairs" for the period July 1, 1976, through September 30, 1976, including services authorized by 5 U.S.C. 3109, $372,000.

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

RESEARCH AND DEVELOPMENT

For necessary expenses, not otherwise provided for, including research, development, operations, services, minor construction, maintenance, repair, rehabilitation and modification of real and personal property; tracking and data relay satellite services as authorized by law and purchase, hire, maintenance, and operation of other than administrative aircraft, necessary for the conduct and support of aeronautical and space research and development activities of the National Aeronautics and Space Administration, $2,677,380,000, to remain available until expended.

For "Research and development," to be available July 1, 1976, $700,600,000, to remain available until expended.

CONSTRUCTION OF FACILITIES

For construction, rehabilitation and modification of facilities, minor construction of new facilities and additions to existing facilities, and for facility planning and design not otherwise provided, for the National Aeronautics and Space Administration, and for the acquisition or condemnation of real property, as authorized by law, $82,130,000, to remain available for obligation until September 30, 1978: *Provided*, That, notwithstanding the limitation on the availability of funds appropriated under this head by this appropriation act, when any activity has been initiated by the incurrence of obligations therefor, the amount available for such activity shall remain available until expended, except that this provision shall not apply to the amounts appropriated pursuant to the authorization for rehabilitation and modification of facilities, minor construction of new facilities and additions to existing facilities, and facility planning and design.

For "Construction of facilities," to be available July 1, 1976, $10,750,000, to remain available for obligation until September 30, 1979.

RESEARCH AND PROGRAM MANAGEMENT

For necessary expenses of research in Government laboratories, management of programs and other activities of the National Aeronautics and Space Administration, not otherwise provided for, including uniforms or allowances therefor, as authorized by law (5 U.S.C. 5901–5902); awards; purchase (not to exceed one, for replacement only of one or more existing aircraft, at least one of which shall be an administrative aircraft, which existing aircraft may be exchanged in part payment), hire, maintenance and operation of administrative aircraft; purchase (not to exceed ten for replacement only) and hire

of passenger motor vehicles; and maintenance and repair of real and personal property, and not in excess of $25,000 per project for construction of new facilities and additions to existing facilities, and not in excess of $50,000 per project for rehabilitation and modification of facilities; $775,512,000: *Provided*, That contracts may be entered into under this appropriation for maintenance and operation of facilities, and for other services, to be provided during the next fiscal year: *Provided further*, That not to exceed $35,000 of the foregoing amount shall be available for scientific consultations or extraordinary expense, to be expended upon the approval or authority of the Administrator and his determination shall be final and conclusive.

For "Research and program management," for the period July 1, 1976, through September 30, 1976, $213,678,000.

National Science Foundation

SALARIES AND EXPENSES

For expenses necessary to carry out the purposes of the National Science Foundation Act of 1950, as amended (42 U.S.C. 1861–1875), title IX of the National Defense Education Act of 1958 (42 U.S.C. 1876–1879), and the Act to establish a National Medal of Science (42 U.S.C. 1880–1881), including award of graduate fellowships; services as authorized by 5 U.S.C. 3109; purchase of three aircraft; maintenance and operation of aircraft and purchase of flight services for research support; hire of passenger motor vehicles; not to exceed $5,000 for official reception and representation expenses; not to exceed $41,000,000 for program development and management; uniforms or allowances therefor, as authorized by law (5 U.S.C. 5901–5902); rental of conference rooms in the District of Columbia; and reimbursement of the General Services Administration for security guard services; $710,000,000, to remain available until September 30, 1977: *Provided*, That of the foregoing total amount not more than $6,000,000 shall be used for Science Information Activities; not more than $60,000,000 shall be available for Research Applied to National Needs, of which not more than $24,000,000 shall be used for the Environmental Research Program in RANN including not more than $4,500,000 for earthquake engineering; not more than $50,000,000 shall be used for Science Education programs in addition to funds available for such programs and deferred in fiscal year 1975, and not more than $1,000,000 shall be used for a program of Ethical and Human Value Implications; not more than $15,000,000 shall be used for Graduate Student Support; not more than $4,500,000 shall be used for Intergovernmental Science and Research Utilization, of which not more than $2,500,000 shall be for Intergovernmental Science; and no funds shall be used for Institutional Improvement for Science; or for Instructional Improvement Implementation budgeted for in Elementary and Secondary School Programs of the Science Education Improvement activity: *Provided further*, That of the foregoing amounts, funds available to meet minima authorized by any other act shall be available only to the extent such funds are not in excess of amounts provided herein: *Provided further*, That unless otherwise specified by this appropriation, the ratio of amounts made available under this Act for a program or minima to the amounts specified for a program or minima in any other Act, for the activity for which the limitation applies, shall not exceed the ratio that the total funds appropriated in this Act bear to the total funds authorized in such other Act, for the activity for

which the limitation applies: *Provided further*, That receipts for scientific support services and materials furnished by the National Research Centers may be credited to this appropriation: *Provided further*, That if an institution of higher education receiving funds hereunder determines after affording notice and opportunity for hearing to an individual attending, or employed by, such institution, that such individual has, after the date of enactment of this Act, willfully refused to obey a lawful regulation or order of such institution and that such refusal was of a serious nature and contributed to the disruption of the administration of such institution, then the institution shall deny any further payment to, or for the benefit of, such individual.

Funds to campus disrupters, prohibition.

For "Salaries and expenses" for the period July 1, 1976, through September 30, 1976, $167,134,000, to remain available until September 30, 1977: *Provided*, That the provisions of that paragraph next preceding this paragraph shall be applicable in the same manner and to the same extent as if such period were a fiscal year.

SCIENTIFIC ACTIVITIES (SPECIAL FOREIGN CURRENCY PROGRAM)

For payments in foreign currencies which the Treasury Department determines to be excess to the normal requirements of the United States, for scientific activities, as authorized by law, $4,000,000, to remain available until September 30, 1977: *Provided*, That this appropriation shall be available in addition to other appropriations to the National Science Foundation, for payments in the foregoing currencies.

For "Scientific activities (special foreign currency program)" for the period July 1, 1976, through September 30, 1976, $500,000, to remain available until September 30, 1977.

SELECTIVE SERVICE SYSTEM

SALARIES AND EXPENSES

For expenses necessary for the Selective Service System, including expenses of attendance at meetings and of training for uniformed personnel assigned to the Selective Service System, as authorized by law (5 U.S.C. 4101–4118) for civilian employees; and not to exceed $1,000 for official reception and representation expenses; $37,500,000: *Provided*, That during the current fiscal year, the President may exempt this appropriation from the provisions of subsection (c) of section 3679 of the Revised Statutes, as amended, whenever he deems such action to be necessary in the interest of national defense: *Provided further*, That none of the funds appropriated by this Act may be expended for or in connection with the induction of any person into the Armed Forces of the United States.

31 USC 665.

For "Salaries and expenses" for the period July 1, 1976, through September 30, 1976, $8,300,000, of which not to exceed $250 is available for official reception and representation expenses.

VETERANS ADMINISTRATION

COMPENSATION AND PENSIONS

For the payment of compensation, pensions, gratuities, and allowances, including burial awards, plot allowances, burial flags, headstones and grave markers, emergency and other officers' retirement pay,

adjusted-service credits and certificates, and other benefits as authorized by law; and for payment of amounts of compromises or settlements under 28 U.S.C. 2677 of tort claims potentially subject to the offset provisions of 38 U.S.C. 351, $7,699,700,000, to remain available until expended.

For "Compensation and pensions" for the period July 1, 1976, through September 30, 1976, $1,966,400,000, to remain available until expended.

READJUSTMENT BENEFITS

For the payment of readjustment and rehabilitation benefits to or on behalf of veterans as authorized by law (38 U.S.C. chapters 21, 31, and 33–39), $5,414,475,000, to remain available until expended.

38 USC 801, 1501, 1601.

For "Readjustment benefits" for the period July 1, 1976, through September 30, 1976, $1,039,472,000, to remain available until expended.

VETERANS INSURANCE AND INDEMNITIES

For military and naval insurance, national service life insurance, servicemen's indemnities, service-disabled veterans insurance, and soldiers' and sailors' civil relief, $6,600,000, to remain available until expended.

For "Veterans insurance and indemnities" for the period July 1, 1976, through September 30, 1976, $2,450,000, to remain available until expended.

MEDICAL CARE

For expenses necessary for the maintenance and operation of hospitals, nursing homes, and domiciliary facilities; for furnishing, as authorized by law, inpatient and outpatient care and treatment to beneficiaries of the Veterans Administration, including care and treatment in facilities not under the jurisdiction of the Veterans Administration, and furnishing recreational facilities, supplies and equipment; funeral, burial and other expenses incidental thereto for beneficiaries receiving care in Veterans Administration facilities; repairing, altering, improving or providing facilities in the several hospitals and homes under the jurisdiction of the Veterans Administration, not otherwise provided for, either by contract or by the hire of temporary employees and purchase of materials; uniforms or allowance therefor as authorized by law (5 U.S.C. 5901–5902); and aid to State homes as authorized by law (38 U.S.C. 641); $3,666,711,000, plus reimbursements: *Provided*, That allotments and transfers may be made from this appropriation to the Public Health Service of the Department of Health, Education, and Welfare, and the Army, Navy, and Air Force of the Department of Defense, for disbursements by them under the various headings of their applicable appropriations, of such amounts as are necessary for the care and treatment of beneficiaries of the Veterans Administration.

For "Medical care" for the period July 1, 1976, through September 30, 1976, $949,413,000, plus reimbursements.

MEDICAL AND PROSTHETIC RESEARCH

For expenses necessary for carrying out programs of medical and prosthetic research and development, as authorized by law, to remain available until expended, $95,000,000, plus reimbursements.

For "Medical and prosthetic research" for the period July 1, 1976, through September 30, 1976, to remain available until expended, $24,714,000, plus reimbursements.

ASSISTANCE FOR HEALTH MANPOWER TRAINING INSTITUTIONS

For pilot programs for assistance in the establishment of new State medical schools, grants to affiliated medical schools, assistance to public and nonprofit institutions of higher learning, hospitals and other health manpower institutions affiliated with the Veterans Administration to increase the production of professional and other health personnel, and for expansion of Veterans Administration hospital education and training capacity as authorized by 38 U.S.C. Chapter 82, $30,000,000, to remain available until September 30, 1982. 38 USC 5070 *et seq.*

For "Assistance for health manpower training institutions" for the period July 1, 1976, through September 30, 1976, $8,332,000, to remain available until September 30, 1982.

MEDICAL ADMINISTRATION AND MISCELLANEOUS OPERATING EXPENSES

For expenses necessary for administration of the medical, hospital, domiciliary, construction and supply, research, employee education and training activities, as authorized by law, and for carrying out the provisions of section 5055, title 38, United States Code, relating to pilot programs and grants for exchange of medical information, $38,528,000, plus reimbursements.

For "Medical administration and miscellaneous operating expenses" for the period July 1, 1976, through September 30, 1976, $10,230,000, plus reimbursements.

GENERAL OPERATING EXPENSES

For necessary operating expenses of the Veterans Administration, not otherwise provided for, including uniforms or allowances therefor, as authorized by law; not to exceed $2,500 for official reception and representation expenses; cemeterial expenses as authorized by law, purchase of seven passenger motor vehicles, including one medium sedan for replacement only and the remainder light sedans for use in cemeterial operations, and hire of passenger motor vehicles; and reimbursement of the General Services Administration for security guard services; $462,450,000.

For "General operating expenses" for the period July 1, 1976, through September 30, 1976, $112,164,000; and not to exceed $625 for official reception and representation allowances.

CONSTRUCTION, MAJOR PROJECTS

For constructing, altering, extending and improving any of the facilities under the jurisdiction or for the use of the Veterans Administration, or for any of the purposes set forth in sections 5001, 5002 and 5004 of title 38, United States Code, including planning, architectural and engineering services, and site acquisition, where the estimated cost of a project is $1,000,000 or more, $297,464,000, to remain available until expended: *Provided*, That $6,259,000 shall be available for construction of a research and education facility at Houston, Texas, $2,460,000 for expansion of clinic and outpatient facilities and correc-

tion of fire and safety deficiencies at Northampton, Massachusetts, and $6,700,000 for construction of a research and education facility at Jackson, Mississippi: *Provided further*, That none of these funds shall be used for any project which has not been considered and approved by the Congress in the budgetary process.

For "Construction, major projects" for the period July 1, 1976, through September 30, 1976, $15,860,000, to remain available until expended.

CONSTRUCTION, MINOR PROJECTS

For constructing, altering, extending, and improving any of the facilities under the jurisdiction or for the use of the Veterans Administration, including planning, architectural and engineering services, and site acquisition, or for any of the purposes set forth in sections 5001, 5002 and 5004 of title 38, United States Code, where the estimated cost of a project is less than $1,000,000, and for necessary expenses of the Office of Construction, $106,426,000, to remain available until expended.

For "Construction, minor projects" for the period July 1, 1976, through September 30, 1976, $16,490,000, to remain available until expended.

GRANTS FOR CONSTRUCTION OF STATE EXTENDED CARE FACILITIES

For grants to assist the several States to construct State nursing home facilities and to remodel, modify or alter existing hospital and domiciliary facilities in State homes, for furnishing care to veterans, as authorized by law (38 U.S.C. 644 and 5031–5037), $10,000,000, to remain available until September 30, 1978.

GRANTS TO THE REPUBLIC OF THE PHILIPPINES

For payment to the Republic of the Philippines of grants as authorized by law (38 U.S.C. 631–634), $2,100,000, of which $50,000 for hospital equipment, plant, and facilities rehabilitation grants shall remain available until expended.

For "Grants to the Republic of the Philippines" for the period July 1, 1976, through September 30, 1976, $525,000, of which $13,000 for hospital equipment, plant, and facilities rehabilitation grants shall remain available until expended.

LOAN GUARANTY REVOLVING FUND

During the current fiscal year, the Loan guaranty revolving fund shall be available for expenses, but not to exceed $550,000,000, for property acquisitions, payment of participation sales insufficiencies, and other loan guaranty and insurance operations under Chapter 37, title 38, United States Code, except administrative expenses, as authorized by section 1824 of such title: *Provided*, That the unobligated balances including retained earnings of the Direct loan revolving fund shall be available, during the current fiscal year, for transfer to the Loan guaranty revolving fund in such amounts as may be necessary to provide for the timely payment of obligations of such fund and the Administrator of Veterans Affairs shall not be required to pay interest on amounts so transferred after the time of such transfer.

38 USC 1801 *et seq.*

During the period July 1, 1976, through September 30, 1976, the Loan guaranty revolving fund shall be available for expenses, but not

to exceed $150,000,000, for property acquisitions, payment of participation sales insufficiencies, and other loan guaranty and insurance operations.

ADMINISTRATIVE PROVISIONS

Not to exceed 5 per centum of any appropriation for the current fiscal year for "Compensation and pensions", "Readjustment benefits", and "Veterans insurance and indemnities" may be transferred to any other of the mentioned appropriations, but not to exceed 10 per centum of the appropriations so augmented. Transfer of funds.

Appropriations available to the Veterans Administration for the current fiscal year for salaries and expenses shall be available for services as authorized by 5 U.S.C. 3109.

No part of the appropriations in this Act for the Veterans Administration (except the appropriations for "Construction, major projects" and "Construction, minor projects") shall be available for the purchase of any site for or toward the construction of any new hospital or home.

No part of the foregoing appropriations shall be available for hospitalization or examination of any persons except beneficiaries entitled under the laws bestowing such benefits to veterans, unless reimbursement of cost is made to the appropriation at such rates as may be fixed by the Administrator of Veterans Affairs.

TITLE III

CORPORATIONS

The following corporations and agencies, respectively, are hereby authorized to make such expenditures, within the limits of funds and borrowing authority available to each such corporation or agency and in accord with law, and to make such contracts and commitments without regard to fiscal year limitations as provided by section 104 of the Government Corporation Control Act, as amended, as may be necessary in carrying out the programs set forth in the budget for the current fiscal year for such corporation or agency except as hereinafter provided. 31 USC 849.

Department of Housing and Urban Development

LIMITATION ON ADMINISTRATIVE EXPENSES, GOVERNMENT NATIONAL MORTGAGE ASSOCIATION

Not to exceed $1,240,000 shall be available for administrative expenses, which shall be on an accrual basis, and shall be exclusive of interest paid, expenses (including expenses for fiscal agency services performed on a contract or fee basis) in connection with the issuance and servicing of securities, depreciation, properly capitalized expenditures, fees for servicing mortgages, expenses (including services performed on a force account, contract or fee basis, but not including other personal services) in connection with the acquisition, protection, operation, maintenance, improvement, or disposition of real or personal property belonging to said Association or in which it has an interest, cost of salaries, wages, travel, and other expenses of persons employed outside the continental United States, and all administrative expenses

reimbursable from other Government agencies and from the Federal National Mortgage Association: *Provided*, That the distribution of administrative expenses to the accounts of the Association shall be made in accordance with generally recognized accounting principles and practices.

For the period July 1, 1976, through September 30, 1976, not to exceed $350,000 shall be available for administrative expenses.

FEDERAL HOME LOAN BANK BOARD

LIMITATION ON ADMINISTRATIVE AND NONADMINISTRATIVE EXPENSES, FEDERAL HOME LOAN BANK BOARD

Not to exceed a total of $14,665,000 shall be available for administrative expenses of the Federal Home Loan Bank Board, which may procure services as authorized by 5 U.S.C. 3109, and contracts for such services with one organization may be renewed annually, and uniforms or allowances therefor in accordance with law (5 U.S.C. 5901–5902), and said amount shall be derived from funds available to the Federal Home Loan Bank Board, including those in the Federal Home Loan Bank Board revolving fund and receipts of the Board for the current fiscal year and prior fiscal years, and the Board may utilize and may make payment for services and facilities of the Federal home loan banks, the Federal Reserve banks, the Federal Savings and Loan Insurance Corporation, the Federal Home Loan Mortgage Corporation, and other agencies of the Government (including payment for office space): *Provided*, That all necessary expenses in connection with the conservatorship or liquidation of institutions insured by the Federal Savings and Loan Insurance Corporation, liquidation or handling of assets of or derived from such insured institutions, payment of insurance, and action for or toward the avoidance, termination, or minimizing of losses in the case of such insured institutions, or activities relating to section 5A(f) or 6(i) of the Federal Home Loan Bank Act, section 5(d) of the Home Owners' Loan Act of 1933, section 12(i) of the Securities Exchange Act of 1934, or section 406(c), 407, or 408 of the National Housing Act and all necessary expenses (including services performed on a contract or fee basis, but not including other personal services) in connection with the handling, including the purchase, sale, and exchange, of securities on behalf of Federal home loan banks, and the sale, issuance, and retirement of, or payment of interest on, debentures or bonds, under the Federal Home Loan Bank Act, as amended, shall be considered as nonadministrative expenses for the purposes hereof: *Provided further*, That members and alternates of the Federal Savings and Loan Advisory Council shall be entitled to reimbursement from the Board as approved by the Board for transportation expenses incurred in attendance at meetings of or concerned with the work of such Council and may be paid in lieu of subsistence per diem not to exceed the dollar amount set forth in 5 U.S.C. 5703(d)(1): *Provided further*, That expenses of any functions of supervision (except of Federal home loan banks) vested in or exercisable by the Board shall be considered as nonadministrative expenses: *Provided further*, That not to exceed $1,000 shall be available for official reception and representation expenses: *Provided further*, That, notwithstanding any other provi-

12 USC 1425a, 1426.
12 USC 1464.
15 USC 781.
12 USC 1729–1730a.
12 USC 1428a note.

sions of this Act, except for the limitation in amount hereinbefore specified, the administrative expenses and other obligations of the Board shall be incurred, allowed, and paid in accordance with the provisions of the Federal Home Loan Bank Act of July 22, 1932, as amended (12 U.S.C. 1421–1449): *Provided further*, That the non-administrative expenses (except such part as the Board determines not to be field expense, which part shall be treated as if expenses of supervision and examination were not as such excluded from administrative expense, and except those included in the first proviso hereof) for the supervision and examination of Federal and State chartered institutions (other than special examinations determined by the Board to be necessary) shall not exceed $19,585,000.

Not to exceed $3,650,000 shall be available for administrative expenses of the Federal Home Loan Bank Board with respect to the period July 1, 1976, through September 30, 1976, and the provisions of the paragraph next preceding this paragraph shall be applicable in the same manner and to the same extent as if such period were a fiscal year, except that the dollar amount last set forth in said paragraph shall with respect to said period be $4,900,000.

LIMITATION ON ADMINISTRATIVE EXPENSES, FEDERAL SAVINGS AND LOAN INSURANCE CORPORATION

Not to exceed $820,000 shall be available for administrative expenses, which shall be on an accrual basis and shall be exclusive of interest paid, depreciation, properly capitalized expenditures, expenses in connection with liquidation of insured institutions or activities relating to section 406(c), 407, or 408 of the National Housing Act, liquidation or handling of assets of or derived from insured institutions, payment of insurance, and action for or toward the avoidance, termination, or minimizing of losses in the case of insured institutions, legal fees and expenses and payments for expenses of the Federal Home Loan Bank Board determined by said Board to be properly allocable to said Corporation, and said Corporation may utilize and may make payments for services and facilities of the Federal home loan banks, the Federal Reserve banks, the Federal Home Loan Bank Board, the Federal Home Loan Mortgage Corporation, and other agencies of the Government: *Provided*, That, notwithstanding any other provisions of this Act, except for the limitation in amount hereinbefore specified, the administrative expenses and other obligations of said Corporation shall be incurred, allowed, and paid in accordance with title IV of the Act of June 27, 1934, as amended (12 U.S.C. 1724–1730b). 12 USC 1729–1730a.

Not to exceed $203,000 shall be available for administrative expenses of the Federal Savings and Loan Insurance Corporation with respect to the period July 1, 1976, through September 30, 1976, and the provisions of the paragraph next preceding this paragraph shall be applicable in the same manner and to the same extent as if such period were a fiscal year.

TITLE IV

GENERAL PROVISIONS

SEC. 401. Where appropriations in titles I and II of this Act are expendable for travel expenses of employees and no specific limitation Travel expenses.

has been placed thereon, the expenditures for such travel expenses may not exceed ten per centum above the amounts set forth therefor in the budget estimates submitted for the appropriations: *Provided*, That this section shall not apply to travel performed by uncompensated officials of local boards and appeal boards of the Selective Service System; to travel performed directly in connection with care and treatment of medical beneficiaries of the Veterans Administration; or to payments to interagency motor pools where separately set forth in the budget schedules: *Provided further*, That the limitation may be increased by the Secretary when necessary to allow for travel performed by employees of the Department of Housing and Urban Development as a result of increased Federal Housing Administration inspection and appraisal workload.

Uniforms.

SEC. 402. Appropriations and funds available for the administrative expenses of the Department of Housing and Urban Development and the Selective Service System shall be available in the current fiscal year for purchase of uniforms, or allowances therefor, as authorized by law (5 U.S.C. 5901–5902); hire of passenger motor vehicles; and services as authorized by 5 U.S.C. 3109.

Legal and banking services.

SEC. 403. Funds made available for the Department of Housing and Urban Development under title III of this Act shall be available, without regard to the limitations on administrative expenses, for legal services on a contract or fee basis, and for utilizing and making payment for services and facilities of Federal National Mortgage Association, Government National Mortgage Association, Federal Home Loan Mortgage Corporation, Federal Financing Bank, Federal Reserve banks or any member thereof, Federal home loan banks, and any insured bank within the meaning of the Federal Deposit Insurance Corporation Act, as amended (12 U.S.C. 1811–1831).

Research projects.

SEC. 404. None of the funds provided in this Act may be used for payment, through grants or contracts, to recipients that do not share in the cost of conducting research resulting from proposals for projects not specifically solicited by the Government: *Provided*, That the extent of cost sharing by the recipient shall reflect the mutuality of interest of the grantee or contractor and the Government in the research.

Standard level user charges.

SEC. 405. No part of any appropriation, funds, or other authority contained in this Act shall be available for paying to the Administrator of the General Services Administration in excess of 90 per centum of the standard level user charge established pursuant to section 210(j) of the Federal Property and Administrative Services Act of 1949, as amended, for space and services.

40 USC 490.

Fiscal year limitation.

SEC. 406. No part of any appropriation contained in this Act shall remain available for obligation beyond the current fiscal year unless expressly so provided herein, except as provided in Section 204 of the Supplemental Appropriation Act, 1975 (P.L. 93–554).

88 Stat. 1784.

SEC. 407. No part of the funds appropriated under this Act may be used by the Environmental Protection Agency to administer or promulgate, directly or indirectly, any program to tax, limit or otherwise regulate parking that is not specifically required pursuant to subsequent legislation.

SEC. 408. None of the funds provided by this Act shall be used to deny or fail to act upon, on the basis of noise contours set forth in an Air Installation Compatible Use Zone Map, an otherwise acceptable application for Federal Housing Administration mortgage insurance in connection with construction in an area zoned for residential use in Merced County, California.

SEC. 409. No funds appropriated by this Act may be expended—

(1) pursuant to a certification of an officer or employee of the United States unless—

(A) such certification is accompanied by, or is part of, a voucher or abstract which describes the payee or payees and the items or services for which such expenditure is being made, or

(B) the expenditure of funds pursuant to such certification, and without such a voucher or abstract, is specifically authorized by law; and

(2) unless such expenditure is subject to audit by the General Accounting Office or is specifically exempt by law from such an audit. Audit.

This Act may be cited as the "Department of Housing and Urban Development—Independent Agencies Appropriation Act, 1976". Short title.

Approved October 17, 1975.

LEGISLATIVE HISTORY:

HOUSE REPORTS: No. 94-313 (Comm. on Appropriations) and No. 94-502 (Comm. of Conference).

SENATE REPORT No. 94-326 (Comm. on Appropriations).

CONGRESSIONAL RECORD, Vol. 121 (1975):

June 24, considered and passed House.

July 26, considered and passed Senate, amended.

Oct. 3, House agreed to conference report; concurred in Senate amendments with amendments; Senate agreed to conference report; concurred in House amendments.

Public Law 94–117
94th Congress

An Act

Oct. 17, 1975
[H.R. 5708]

To provide for the striking of medals in commemoration of the bicentennials of the United States Army, the United States Navy, and the United States Marine Corps.

U.S. Army, Navy, and Marine Corps. Bicentennial medals.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, in commemoration of the Bicentennial of the United States Army on June 14, of the United States Navy on October 13, and of the United States Marine Corps on November 10, 1975, the Secretary of the Treasury is authorized and directed to strike three medals, of suitable sizes and metals and with suitable emblems, devices, and inscriptions to be determined by the Secretary of the Army and the Secretary of the Navy, as applicable, subject to the approval of the Secretary of the Treasury.

SEC. 2. The Secretary of the Treasury shall furnish the medals to the Secretary of the Army and the Secretary of the Navy, as applicable, at a price equal to the cost of manufacture.

Cost.

SEC. 3. The Secretary of the Treasury shall also cause such medals to be sold by the Mint, as list medals, under such regulations as he may prescribe, at a price sufficient to cover the cost thereof, including labor, materials, dies, use of machinery, and overhead expenses.

Approved October 17, 1975.

LEGISLATIVE HISTORY:

CONGRESSIONAL RECORD, Vol. 121 (1975):
Oct. 6, considered and passed House.
Oct. 8, considered and passed Senate.

Public Law 94-118
94th Congress

An Act

To provide for the use of certain funds to promote scholarly, cultural, and artistic activities between Japan and the United States, and for other purposes.

Oct. 20, 1975
[S. 824]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Japan-United States Friendship Act".

Japan-United States Friendship Act.
22 USC 2901 note.

STATEMENT OF FINDINGS AND PURPOSE

SEC. 2. (a) The Congress hereby finds that— 22USC 2901.

(1) the post-World War II evolution of the relationship between Japan and the United States to peacetime friendship and partnership is one of the most significant developments of the postwar period;

(2) the Agreement Between Japan and the United States of America Concerning the Ryukyu Islands and the Daito Islands, signed at Washington and Tokyo on June 17, 1971, is a major achievement and symbol of the new relationship between the United States and Japan; and 23 UST 446.

(3) the continuation of close United States-Japan friendship and cooperation will make a vital contribution to the prospects for peace, prosperity, and security in Asia and the world.

(b) It is therefore the purpose of this Act to provide for the use of an amount equal to a part of the total sum payable by Japan to the United States in connection with the reversion of Okinawa to Japanese administration and the remaining funds of the amount set aside in 1962 for educational and cultural exchange with Japan (known as the G.A.R.I.O.A. Account) to aid education and culture at the highest level in order to enhance reciprocal people-to-people understanding and to support the close friendship and mutuality of interests between the United States and Japan.

ESTABLISHMENT OF THE FUND; EXPENDITURES

SEC. 3. (a) There is established in the Treasury of the United States a trust fund to be known as the Japan-United States Friendship Trust Fund (hereafter referred to as the "Fund"). Japan-United States Friendship Trust Fund. 22 USC 2902.

(b) Amounts in the Fund shall be used for the promotion of scholarly, cultural, and artistic activities between Japan and the United States, including—

(1) support for studies, including language studies, in institutions of higher education or scholarly research in Japan and the United States, designed to foster mutual understanding between Japan and the United States;

(2) support for major collections of Japanese books and publications in appropriate libraries located throughout the United States and similar support for collections of American books and publications in appropriate libraries located throughout Japan;

(3) support for programs in the arts in association with appropriate institutions in Japan and the United States;

(4) support for fellowships and scholarships at the graduate and faculty levels in Japan and the United States in accord with the purposes of this Act;

(5) support for visiting professors and lecturers at colleges and universities in Japan and the United States; and

(6) support for other Japan-United States cultural and educational activities consistent with the purposes of this Act.

(c) Amounts in the Fund may also be used to pay administrative expenses of the Japan-United States Friendship Commission, established by section 4 of this Act, as directed by that Commission.

Appropriation authorization.

(d) There is authorized to be appropriated to the Fund, for fiscal year 1976, an amount equal to 7.5 per centum of the total funds payable to the United States pursuant to the Agreement Between Japan and the United States of America Concerning the Ryukyu Islands and the Daito Islands, signed at Washington and Tokyo, June 17, 1971.

Appropriation authorization.

(e) (1) There is authorized to be appropriated to the Fund, for fiscal year 1976, in addition to the amount authorized to be appropriated by subsection (d) of this section, those funds available in United States accounts in Japan and transferred by the Government of Japan to the United States pursuant to the United States request made under article V of the agreement between the United States of America and Japan regarding the settlement of Postwar Economic Assistance to Japan, signed in Tokyo, January 9, 1962, and the exchange of notes of the same date (13 U.S.T. 1957; T.I.A.S. 5154) (the G.A.R.I.O.A. Account), including interest accruing to the G.A.R.I.O.A. Account.

(2) The amount authorized to be appropriated by paragraph (1) of this subsection shall not include any amount required by law to be applied to United States participation in the International Ocean Exposition to be held in Okinawa, Japan.

(3) Any unappropriated portion of the amount authorized to be appropriated by subsection (d) of this section and paragraph (1) of this subsection for fiscal year 1976 may be appropriated in any subsequent fiscal year.

THE JAPAN-UNITED STATES FRIENDSHIP COMMISSION

Establishment.
22 USC 2903.

SEC. 4. (a) There is established a commission to be known as the Japan-United States Friendship Commission (hereafter referred to as the "Commission"). The Commission shall be composed of—

Membership.

(1) the members of the United States Panel of the Joint Committee on United States-Japan Cultural and Educational Cooperation;

(2) two Members of the House of Representatives, to be appointed at the beginning of each Congress or upon the occurrence of a vacancy during a Congress by the Speaker of the House of Representatives;

(3) two Members of the Senate, to be appointed at the beginning of each Congress or upon the occurrence of a vacancy during a Congress by the President pro tempore of the Senate;

(4) the Chairman of the National Endowment for the Arts; and

(5) the Chairman of the National Endowment for the Humanities.

(b) Members of the Commission who are not full-time officers or employees of the United States and who are not Members of Congress shall, while serving on business of the Commission, be entitled to receive compensation at rates fixed by the President, but not exceeding the rate specified at the time of such service for grade GS–18 in section 5332 of title 5, United States Code, including traveltime; and while so serving away from their homes or regular places of business, all members of the Commission may be allowed travel expenses including per diem in lieu of subsistence, as authorized by section 5703 of title 5, United States Code, for persons in Government service employed intermittently. Compensation.

(c) The Chairman of the United States Panel of the Joint Committee on United States-Japan Cultural and Educational Cooperation shall be the Chairman of the Commission. A majority of the members of the Commission shall constitute a quorum. The Commission shall meet at least twice in each year. Chairman. Quorum. Meetings.

FUNCTIONS OF THE COMMISSION

SEC. 5. (a) The Commission is authorized to— 22 USC 2904.

(1) develop and carry out programs at public or private institutions for the promotion of scholarly, cultural, and artistic activities in Japan and the United States consistent with the provisions of section 3(b) of this Act; and

(2) make grants to carry out such programs.

(b) The Commission shall submit to the President and to the Congress an annual report of its activities under this Act together with such recommendations as the Commission determines appropriate. Annual report to President and Congress.

ADMINISTRATIVE PROVISIONS

SEC. 6. In order to carry out its functions under this Act, the Commission is authorized to— 22 USC 2905.

(1) prescribe such regulations as it deems necessary governing the manner in which its functions shall be carried out; Regulations.

(2) receive money and property donated, bequeathed, or devised, without condition or restriction other than that it be used for the purposes of this Act; and to use, sell, or otherwise dispose of such property (including transfer to the Fund) for the purpose of carrying out the purposes of this Act, and any such donation shall be exempt from any Federal income, State, or gift tax;

(3) in the discretion of the Commission, receive (and use, sell, or otherwise dispose of, in accordance with paragraph (2)) money and other property donated, bequeathed, or devised to the Commission with a condition or restriction, including a condition that the Commission use other funds of the Commission for the purposes of the gift, and any such donation shall be exempt from any Federal income, State, or gift tax;

(4) direct the Secretary of the Treasury to make expenditure of the income of the Fund and not to exceed 5 per centum annually of the principal of the Fund to carry out the purposes of this Act, including the payment of Commission expenses if needed, except that any amounts expended from amounts appropriated to the Fund under section 3(e)(1) of this Act shall be expended in Japan;

5 USC 101 *et seq.*
5 USC 5332 note.
Experts and consultants.

(5) appoint an Executive Director, without regard to the provisions of title 5, United States Code, governing appointments in the competitive service, who shall be compensated at the rate provided for a GS–18 of the General Schedule of such title;

(6) obtain the services of experts and consultants in accordance with the provisions of section 3109 of title 5, United States Code, at rates for individuals not to exceed the rate specified at the time of such service for grade GS–18 in section 5332 of title 5, United States Code;

Travel expenses.

(7) accept and utilize the services of voluntary and noncompensated personnel and reimburse them for travel expenses, including per diem, as authorized by section 5703 of title 5, United States Code;

(8) enter into contracts, grants, or other arrangements, or modifications thereof;

(9) make advances, progress, and other payments which the Commission deems necessary under this Act; and

(10) obtain from the Secretary of State, on a reimbursable basis, such administrative support services and personnel as the Commission deems necessary and appropriate to its needs.

MANAGEMENT OF THE FUND

22 USC 2906.

SEC. 7. (a) The Fund shall consist of—

(1) amounts appropriated under sections 3 (d) and (e) (1) of this Act;

(2) any other amounts received by the Fund by way of gifts and donations; and

(3) interest and proceeds credited to it under subsection (b) of this section.

(b) It shall be the duty of the Secretary of the Treasury (hereafter referred to as the "Secretary") to invest such portion of the Fund as is not, in the judgment of the Commission, required to meet current withdrawals. Such investment may be made only in interest-bearing obligations of the United States or in obligations guaranteed as to both principal and interest by the United States. For such purposes, the obligations may be acquired (1) on original issue at the issue price, or (2) by purchase of outstanding obligations at the market price. The purposes for which obligations of the United States may be issued under the Second Liberty Bond Act, as amended, are hereby extended to authorize the issuance at par of special obligations exclusively to the Fund. Such special obligations shall bear interest at a rate equal to the average rate of interest, computed as to the end of the calendar month next preceding the date of such issue, borne by all marketable interest-bearing obligations of the United States issued during the preceding two years then forming part of the public debt; except that where such average rate is not a multiple of one-eighth of 1 per centum, the rate of interest of such special obligations shall be the multiple of one-eighth of 1 per centum next lower than such average rate. Such special obligations shall be issued only if the Secretary determines that the purchase of other interest-bearing obligations of the United States, or of obligations guaranteed as to both principal and interest by the United States on original issue or at the market price, is not in the public interest.

31 USC 774.

(c) Any obligation acquired by the Fund (except special obligations issued exclusively to the Fund) may be sold by the Secretary at the market price, and such special obligations may be redeemed at par plus accrued interest.

(d) The interest on, and the proceeds from the sale or redemption of, any obligations held in the Fund shall be credited to and form a part of the Fund.

(e) In accordance with section 6(4) of this Act, the Secretary shall pay out of the Fund such amounts, including expenses of the Commission, as the Commission considers necessary to carry out the provisions of this Act; except that amounts in the Fund, other than amounts which have been appropriated and amounts received by the Commission pursuant to sections 6(2) and 6(3), shall be subject to the appropriation process.

Approved October 20, 1975.

LEGISLATIVE HISTORY:

HOUSE REPORTS: No. 94-503 accompanying H.R. 9667 (Comm. on International Relations) and No. 94-526 (Comm. of Conference).
SENATE REPORT No. 94-188 (Comm. on Foreign Relations).
CONGRESSIONAL RECORD, Vol. 121 (1975):
June 13, considered and passed Senate.
Sept. 26, considered and passed House, amended, in lieu of H.R. 9667.
Oct. 7, House and Senate agreed to conference report.
WEEKLY COMPILATION OF PRESIDENTIAL DOCUMENTS, Vol. 11, No. 43:
Oct. 21, Presidential statement.

Public Law 94–119
94th Congress

An Act

Oct. 21, 1975
[H.R. 615]

To authorize appropriations for services necessary to nonperforming arts functions of the John F. Kennedy Center.

John F. Kennedy Center, appropriation authorization. 87 Stat. 161.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That subsection (e) of section 6 of the John F. Kennedy Center Act is amended by adding at the end thereof the following: "There is authorized to be appropriated to carry out this subsection not to exceed $2,800,000 for the fiscal year ending June 30, 1976, $741,000 for the transition period ending September 30, 1976, and $3,100,000 for the fiscal year ending September 30, 1977.".

Review and audit.

SEC. 2. Section 6 of the John F. Kennedy Center Act is amended by adding the following new subsection:

"(f) The General Accounting Office is authorized and directed to review and audit, regularly, the accounts of the Kennedy Center for the Performing Arts, for the purpose of determining the continuing ability of the Center to pay its share of future operating costs, and for the purpose of assuring that the cost-of-living formula fairly and accurately reflects the use of the building.".

Approved October 21, 1975.

LEGISLATIVE HISTORY:

HOUSE REPORT No. 94–280 (Comm. on Public Works and Transportation).
SENATE REPORT No. 94–352 (Comm. on Public Works).
CONGRESSIONAL RECORD, Vol. 121 (1975):
July 21, considered and passed House.
Aug. 1, considered and passed Senate, amended.
Oct. 8, House concurred in Senate amendments.

Public Law 94-120
94th Congress

An Act

To suspend the duty on natural graphite until the close of June 30, 1978, and for other purposes.

Oct. 21, 1975
[H.R. 7706]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That subpart B of part 1 of the Appendix to the Tariff Schedules of the United States (19 U.S.C. 1202) is amended by adding immediately after item 907.80 the following new item:

Natural graphite, duty suspension; Social Security Act, amendments.

" 909.01	Graphite, crude and refined, natural (provided for in item 517.21, 517.24, or 517.27, part 1E, schedule 5).	Free	No change	On or before 6/30/78	".

SEC. 2. The amendment made by the first section of this Act shall apply with respect to articles entered, or withdrawn from warehouse, for consumption on or after the date of the enactment of this Act.

19 USC 1202 note.

SEC. 3. Section 7(a) of Public Law 93-647 is amended by adding at the end thereof the following new paragraph:

Child day care, staffing standards. 42 USC 1397 note. 42 USC 1397a note, 601, 1397a.

"(3) Notwithstanding paragraph (1) of this subsection or section 3(f), payments under title IV or section 2002(a)(1) of the Social Security Act with respect to expenditures made prior to February 1, 1976, in connection with the provision of child day care services in day care centers and group day care homes, in the case of children between the ages of six weeks and six years, may be made without regard to the requirements relating to staffing standards which are imposed by or under section 2002(a)(9)(A)(ii) of such Act, so long as the staffing standards actually being applied in the provision of the services involved (A) comply with applicable State law (as in effect at the time the services are provided), (B) are no lower than the corresponding staffing standards which were imposed or required by applicable State law on September 15, 1975, and (C) are no lower, in the case of any day care center or group day care home, than the corresponding standards actually being applied in such center or home on September 15, 1975.".

SEC. 4. (a) Section 2003 of the Social Security Act is amended by adding at the end thereof the following new subsection:

42 USC 1397b.

"(f) The provisions of section 333 of the Comprehensive Alcohol Abuse and Alcoholism Prevention, Treatment, and Rehabilitation Act of 1970 shall be applicable to services provided by any State pursuant to this title with respect to individuals suffering from drug addiction or alcoholism.".

42 USC 4582.

(b)(1) Section 2002(a)(7) of such Act is amended by adding at the end thereof the following new sentence: "With regard to ending the dependency of individuals who are alcoholics or drug addicts, the entire rehabilitative process for such individuals, including but not limited to initial detoxification, short term residential treatment, and subsequent outpatient counseling and rehabilitative services, whether or not such a process involves more than one provider of services, shall be the basis for determining whether standards imposed by or under subparagraph (A) or (E) of this paragraph have been met.".

Alcohol or drug abuse, services. 42 USC 1397a.

42 USC 1397a.

(2) Section 2002(a)(11) of such Act is amended by—

(A) striking out "and" at the end of clause (B) thereof,

(B) striking out the period at the end of clause (C) thereof and inserting in lieu of such period "; and", and

(C) adding after clause (C) thereof the following new clause:

"(D) any expenditure for the initial detoxification of an alcoholic or drug dependent individual, for a period not to exceed 7 days, if such detoxification is integral to the further provision of services for which such individual would otherwise be eligible under this title.".

(3) Section 2002(a)(7)(A) of such Act is amended by inserting "(except as provided in paragraph (11)(D))" immediately after "other remedial care".

(4) Section 2002(a)(7)(E) of such Act is amended by inserting "and paragraph (11)(D)" immediately after "paragraph (11)(C)".

Effective date.
42 USC 1397a note.

(c) The amendments made by this section shall be effective only for the period beginning October 1, 1975, and ending January 31, 1976; and, on and after February 1, 1976, sections 2002(a)(7), 2002(a)(11), and 2003 of the Social Security Act shall read as they would if such amendments had not been made.

42 USC 1397b.

Approved October 21, 1975.

LEGISLATIVE HISTORY:

HOUSE REPORTS: No. 94-296 (Comm. on Ways and Means) and No. 94-533 (Comm. of Conference).

SENATE REPORT No. 94-343 (Comm. on Finance).

CONGRESSIONAL RECORD, Vol. 121 (1975):

June 24, considered and passed House.

Oct. 2, considered and passed Senate, amended.

Oct. 9, House and Senate agreed to conference report.

Public Law 94-121
94th Congress

An Act

Making appropriations for the Departments of State, Justice, and Commerce, the Judiciary, and related agencies for the fiscal year ending June 30, 1976, and the period ending September 30, 1976, and for other purposes.

Oct. 21, 1975
[H.R. 8121]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the following sums are appropriated, out of any money in the Treasury not otherwise appropriated, for the Departments of State, Justice, and Commerce, the Judiciary, and related agencies for the fiscal year ending June 30, 1976, and the period ending September 30, 1976, and for other purposes, namely:

Departments of State, Justice, and Commerce, the Judiciary, and Related Agencies Appropriation Act, 1976.

TITLE I—DEPARTMENT OF STATE

Department of State Appropriation Act, 1976.

Administration of Foreign Affairs

salaries and expenses

For necessary expenses of the Department of State, not otherwise provided for, including expenses authorized by the Foreign Service Act of 1946, as amended (22 U.S.C. 801–1158), and allowances as authorized by 5 U.S.C. 5921–5925; expenses of binational arbitrations arising under international air transport agreements; expenses necessary to meet the responsibilities and obligations of the United States in Germany (including those arising under the supreme authority assumed by the United States on June 5, 1945, and under contractual arrangements with the Federal Republic of Germany); hire of passenger motor vehicles; services as authorized by 5 U.S.C. 3109; dues for library membership in organizations which issue publications to members only, or to members at a price lower than to others; expenses authorized by section 2 of the Act of August 1, 1956 (22 U.S.C. 2669), as amended; refund of fees erroneously charged and paid for passports; radio communications; payment in advance for subscriptions to commercial information, telephone and similar services abroad; care and transportation of prisoners and persons declared insane; expenses as authorized by law (18 U.S.C. 3192), of bringing to the United States from foreign countries persons charged with crime; expenses necessary to provide maximum physical security in Government-owned and leased properties abroad; and procurement by contract or otherwise, of services, supplies, and facilities, as follows: (1) translating, (2) analysis and tabulation of technical information, and (3) preparation of special maps, globes, and geographic aids; administrative and other expenses authorized by section 637(b) of the Foreign Assistance Act of 1961, as amended (22 U.S.C. 2397(b)), and by section 305 of the Mutual Defense Assistance Control Act of 1951, as amended (22 U.S.C. 1613(d)); $425,400,000: *Provided*, That passenger motor vehicles in possession of the Foreign Service abroad may be replaced in accordance with section 7 of the Act of August 1, 1956 (22 U.S.C. 2674), and the cost, including the exchange allowance, of each such replacement shall not exceed $4,900 in the case of the chief of mission automobile at each diplomatic mission (except that four such vehicles may be purchased at not to exceed

22 USC 1613d.

$9,000 each) and such amounts as may be otherwise provided by law for all other such vehicles, except that right hand drive vehicles may be purchased without regard to any maximum price limitation otherwise established by law: *Provided further*, That in addition, this appropriation shall be available for the purchase (not to exceed thirty-three), replacement, rehabilitation, and modification of passenger motor vehicles for protective purposes without regard to any maximum price limitations otherwise established by law.

For "Salaries and expenses" for the period July 1, 1976, through September 30, 1976, $119,100,000.

REPRESENTATION ALLOWANCES

For representation allowances as authorized by section 901 of the Foreign Service Act of 1946, as amended (22 U.S.C. 1131), $1,700,000.

For "Representation allowances" for the period July 1, 1976, through September 30, 1976, $525,000.

ACQUISITION, OPERATION, AND MAINTENANCE OF BUILDINGS ABROAD

For necessary expenses of carrying into effect the Foreign Service Buildings Act, 1926, as amended (22 U.S.C. 292–300), including personal services in the United States and abroad; salaries and expenses of personnel and dependents as authorized by the Foreign Service Act of 1946, as amended (22 U.S.C. 801–1158); allowances as authorized by 5 U.S.C. 5921–5925; and services as authorized by 5 U.S.C. 3109; $29,840,000, to remain available until expended: *Provided*, That not to exceed $1,817,000 may be used for administrative expenses during the current fiscal year.

For "Acquisition, operation, and maintenance of buildings abroad" for the period July 1, 1976, through September 30, 1976, $8,450,000.

ACQUISITION, OPERATION, AND MAINTENANCE OF BUILDINGS ABROAD (SPECIAL FOREIGN CURRENCY PROGRAM)

For payments in foreign currencies which the Treasury Department determines to be excess to the normal requirements of the United States for the purposes authorized by section 4 of the Foreign Service Buildings Act of 1926, as amended (22 U.S.C. 295), to be credited to and expended under the appropriation account for "Acquisition, operation, and maintenance of buildings abroad", to remain available until expended, $9,785,000.

For "Acquisition, operation, and maintenance of buildings abroad (special foreign currency program)" for the period July 1, 1976, through September 30, 1976, $800,000.

EMERGENCIES IN THE DIPLOMATIC AND CONSULAR SERVICE

For expenses necessary to enable the Secretary of State to meet unforeseen emergencies arising in the Diplomatic and Consular Service, to be expended pursuant to the requirement of section 291 of the Revised Statutes (31 U.S.C. 107), $2,100,000.

For "Emergencies in the diplomatic and consular service" for the period July 1, 1976, through September 30, 1976, $600,000.

PAYMENT TO FOREIGN SERVICE RETIREMENT AND DISABILITY FUND

For payment to the Foreign Service Retirement and Disability Fund, as authorized by the Foreign Service Act of 1946, as amended (22 U.S.C. 1105–1106), $6,355,000.

For "Payment to Foreign Service retirement and disability fund" for the period July 1, 1976, through September 30, 1976, $1,590,000.

INTERNATIONAL ORGANIZATIONS AND CONFERENCES

CONTRIBUTIONS TO INTERNATIONAL ORGANIZATIONS

For expenses, not otherwise provided for, necessary to meet annual obligations of membership in international multilateral organizations, pursuant to treaties, conventions, or specific Acts of Congress, $217,853,000.

For "Contributions to international organizations" for the period July 1, 1976, through September 30, 1976, $189,764,000.

22 USC 269a, 269b, 269f, 269g-1, 269h, 272a, 273–276, 279a, 280b, 280i, 280k, 287e, 287r, 290b, 1896b, 1928, 1928b, 2673, notes.

MISSIONS TO INTERNATIONAL ORGANIZATIONS

For expenses necessary for permanent representation to certain international organizations in which the United States participates pursuant to treaties, conventions, or specific Acts of Congress, including expenses authorized by the pertinent Acts and conventions provided for such representation; salaries and expenses of personnel and dependents as authorized by the Foreign Service Act of 1946, as amended (22 U.S.C. 801–1158); allowance as authorized by 5 U.S.C. 5921–5925; and expenses authorized by section 2 (a) and (e) of the Act of August 1, 1956, as amended (22 U.S.C. 2669); $9,000,000.

For "Missions to international organizations" for the period July 1, 1976, through September 30, 1976, $2,673,000.

INTERNATIONAL CONFERENCES AND CONTINGENCIES

For necessary expenses of participation by the United States, upon approval by the Secretary of State, in international activities which arise from time to time in the conduct of foreign affairs and for which specific appropriations have not been provided pursuant to treaties, conventions, or special Acts of Congress, including personal services without regard to civil service and classification laws; salaries and expenses of personnel and dependents as authorized by the Foreign Service Act of 1946, as amended (22 U.S.C. 801–1158); allowances as authorized by 5 U.S.C. 5921–5925; hire of passenger motor vehicles; contributions for the share of the United States in expenses of international organizations; and expenses authorized by section 2(a) of the Act of August 1, 1956, as amended (22 U.S.C. 2669); $5,840,000, of which not to exceed a total of $125,000 may be expended for representation allowances as authorized by section 901 of the Act of August 13, 1946, as amended (22 U.S.C. 131), and for official entertainment.

For "International conferences and contingencies" for the period July 1, 1976, through September 30, 1976, $1,775,000: *Provided*, That not to exceed $38,000 may be expended for representation allowances as authorized by section 901 of the Act of August 13, 1946, as amended (22 U.S.C. 1131), and for official entertainment.

INTERNATIONAL TRADE NEGOTIATIONS

For necessary expenses of participation by the United States in international trade negotiations, including not to exceed $10,000 for representation allowances, as authorized by section 901 of the Act of August 13, 1946, as amended (22 U.S.C. 1131), and for official entertainment, $2,596,000: *Provided*, That this appropriation shall be available in accordance with the authority provided in the current appropriation for "International conferences and contingencies".

For "International trade negotiations" for the period July 1, 1976, through September 30, 1976, $674,000: *Provided*, That not to exceed $3,000 may be expended for representation allowances, as authorized by section 901 of the Act of August 13, 1946, as amended (22 U.S.C. 1131), and for official entertainment.

INTERNATIONAL COMMISSIONS

22 USC 277 note.

INTERNATIONAL BOUNDARY AND WATER COMMISSION, UNITED STATES AND MEXICO

For expenses necessary to enable the United States to meet its obligations under the treaties of 1889, 1906, 1933, 1944, 1963, and 1970 between the United States and Mexico, and to comply with the other laws applicable to the United States Section, International Boundary and Water Commission, United States and Mexico, including operation and maintenance of the Rio Grande rectification, canalization, flood control, bank protection, water supply, power, irrigation, boundary demarcation, and sanitation projects; detailed plan preparation and construction (including surveys and operation and maintenance and protection during construction); Rio Grande emergency flood protection; expenditures for the purposes set forth in sections 101 through 104 of the Act of September 13, 1950 (22 U.S.C. 277d-1—277d-4); purchase of planographs and lithographs; uniforms or allowances therefor, as authorized by law (5 U.S.C. 5901-5902); and leasing of private property to remove therefrom sand, gravel, stone, and other materials, without regard to section 3709 of the Revised Statutes, as amended (41 U.S.C. 5); as follows:

26 Stat. 1512.
34 Stat. 2953.
48 Stat. 1621.
59 Stat. 1219.
15 UST 21.
21 UST 371.

SALARIES AND EXPENSES

For salaries and expenses not otherwise provided for, including examinations, preliminary surveys, and investigations, and operation and maintenance of projects or parts thereof, as enumerated above, including gaging stations, $5,300,000: *Provided*, That expenditures for the Rio Grande bank protection project shall be subject to the provisions and conditions contained in the appropriation for said project as provided by the Act approved April 25, 1945 (59 Stat. 89).

For "Salaries and expenses" for the period July 1, 1976, through September 30, 1976, $1,371,000.

CONSTRUCTION

For detailed plan preparation and construction of projects authorized by the convention concluded February 1, 1933, between the United States and Mexico, the Acts approved August 19, 1935, as amended (22 U.S.C. 277-277f), August 29, 1935 (49 Stat. 961), June 4, 1936 (49 Stat. 1463), June 28, 1941 (22 U.S.C. 277f), September 13, 1950 (22 U.S.C. 277d-1-9), October 10, 1966 (80 Stat. 884), October 25,

48 Stat. 1621.

22 USC 277d-32.

1972 (86 Stat. 1161), and the project stipulated in the treaty between the United States and Mexico signed at Washington on February 3, 1944, to remain available until expended, $8,365,000: *Provided*, That no expenditures shall be made for the Lower Rio Grande flood-control project for construction on any land, site, or easement in connection with this project except such as has been acquired by donation and the title thereto has been approved by the Attorney General of the United States: *Provided further*, That the Anzalduas diversion dam shall not be operated for irrigation or water supply purposes in the United States unless suitable arrangements have been made with the prospective water users for repayment to the Government of such portions of the cost of said dam as shall have been allocated to such purposes by the Secretary of State.

22 USC 277d-34 note.
59 Stat. 1219.

For "Construction" for the period July 1, 1976, through September 30, 1976, $830,000, to remain available until expended.

AMERICAN SECTIONS, INTERNATIONAL COMMISSIONS

For expenses necessary to enable the President to perform the obligations of the United States pursuant to treaties between the United States and Great Britain, in respect to Canada, signed January 11, 1909 (36 Stat. 2448), and February 24, 1925 (44 Stat. 2102); and the treaty between the United States and Canada, signed February 27, 1950; including services as authorized by 5 U.S.C. 3109; hire of passenger motor vehicles; $1,576,000, to be disbursed under the direction of the Secretary of State and to be available also for additional expenses of the American Sections, International Commissions, as hereinafter set forth:

1 UST 694.

International Joint Commission, United States and Canada, the salary of the Commissioners on the part of the United States who shall serve at the pleasure of the President; salaries of clerks and other employees appointed by the Commissioners on the part of the United States with the approval solely of the Secretary of State; travel expenses and compensation of witnesses in attending hearings of the Commission at such places in the United States and Canada as the Commission or the American Commissioners shall determine to be necessary; and special and technical investigations in connection with matters falling within the Commission's jurisdiction: *Provided*, That transfers of funds may be made to other agencies of the Government for the performance of work for which this appropriation is made.

International Boundary Commission, United States and Canada, the completion of such remaining work as may be required under the award of the Alaskan Boundary Tribunal and the existing treaties between the United States and Great Britain; commutation of subsistence to employees while on field duty at not to exceed the authorized prevailing daily rate; hire of freight and passenger motor vehicles from temporary field employees; and payment for timber necessarily cut in keeping the boundary line clear.

For "American sections, international commissions" for the period July 1, 1976, through September 30, 1976, $450,000.

INTERNATIONAL FISHERIES COMMISSIONS

For expenses, not otherwise provided for, necessary to enable the United States to meet its obligations in connection with participation in international fisheries commissions pursuant to treaties or conven-

tions, and implementing Acts of Congress, $4,730,000: *Provided*, That the United States share of such expenses may be advanced to the respective commissions.

For "International fisheries commissions" for the period July 1, 1976, through September 30, 1976, $1,560,000.

EDUCATIONAL EXCHANGE

MUTUAL EDUCATIONAL AND CULTURAL EXCHANGE ACTIVITIES

For expenses, not otherwise provided for, necessary to enable the Secretary of State to carry out the functions of the Department of State under the provisions of the Mutual Educational and Cultural Exchange Act of 1961, as amended (22 U.S.C. 2451–2458), and the Act of August 9, 1939 (22 U.S.C. 501), including expenses authorized by the Foreign Service Act of 1946, as amended (22 U.S.C. 801–1158); expenses of the National Commission on Educational, Scientific, and Cultural Cooperation as authorized by sections 3, 5, and 6 of the Act of July 30, 1946 (22 U.S.C. 287o, 287q, 287r); hire of passenger motor vehicles; not to exceed $12,000 for representation expenses; not to exceed $1,000 for official entertainment within the United States; services as authorized by 5 U.S.C. 3109; and advance of funds notwithstanding section 3648 of the Revised Statutes, as amended (31 U.S.C. 529); $60,000,000, of which not less than $2,000,000 shall be used for payment in foreign currencies which the Treasury Department determines to be excess to the normal requirements of the United States: *Provided*, That not to exceed $3,521,000 may be used for administrative expenses during the current fiscal year.

For "Mutual educational and cultural exchange activities" for the period July 1, 1976, through September 30, 1976, $13,000,000: *Provided*, That not to exceed $3,000 may be used for representation expenses and not to exceed $250 may be used for official entertainment within the United States.

CENTER FOR CULTURAL AND TECHNICAL INTERCHANGE BETWEEN EAST AND WEST

22 USC 2054 note.

To enable the Secretary of State to provide for carrying out the provisions of the Center for Cultural and Technical Interchange Between East and West Act of 1960, by grant to any appropriate agency of the State of Hawaii, $9,000,000: *Provided*, That none of the funds appropriated herein shall be used to pay any salary, or to enter into any contract providing for the payment thereof, in excess of the highest rate authorized in the General Schedule of the Classification Act of 1949, as amended.

5 USC 5332 note.

For "Center for Cultural and Technical Interchange Between East and West" for the period July 1, 1976, through September 30, 1976, $2,350,000.

UNITED STATES-JAPAN FRIENDSHIP ACTIVITIES (FOREIGN CURRENCY PROGRAM)

For payments in Japanese currency from amounts paid into United States accounts by the Government of Japan pursuant to Article V of the Agreement between the United States of America and Japan concerning the settlement of post-war economic assistance signed at Tokyo, January 9, 1962, and the exchange of notes of the same date (13 U.S.T. 1957; T.I.A.S. 5154), amounts to be determined at such

times as the funds may be required for activities authorized by the Mutual Educational and Cultural Exchange Act of 1961, as amended, to remain available until expended, including utilization for purposes of the grant of any interest earned by the Japanese grantees on funds made available to them, excepting such amounts as may be required by law to be applied to United States participation in the International Ocean Exposition to be held at Okinawa, Japan. 22 USC 2451 note.

GENERAL PROVISIONS—DEPARTMENT OF STATE

SEC. 102. Appropriations under this title for "Salaries and expenses", "International conferences and contingencies", and "Missions to international organizations" are available for reimbursement of the General Services Administration for security guard services for protection of confidential files. Security guard services.

SEC. 103. None of the funds appropriated in this title shall be used (1) to pay the United States contribution to any international organization which engages in the direct or indirect promotion of the principle or doctrine of one world government or one world citizenship; (2) for the promotion, direct, or indirect, of the principle or doctrine of one world government or one world citizenship. One-world-government advocates.

SEC. 104. It is the sense of the Congress that any new Panama Canal treaty or agreement must protect the vital interests of the United States in the Canal Zone and in the operation, maintenance, property and defense of the Panama Canal. Panama Canal treaty or agreement.

This title may be cited as the "Department of State Appropriation Act, 1976". Citation of title.

TITLE II—DEPARTMENT OF JUSTICE

Department of Justice Appropriation Act, 1976.

GENERAL ADMINISTRATION

SALARIES AND EXPENSES

For expenses necessary for the administration of the Department of Justice, including hire of passenger motor vehicles; not to exceed $2,500 for official reception and representation expenses; and miscellaneous and emergency expenses authorized or approved by the Attorney General or the Assistant Attorney General for Administration; $21,048,000, of which $2,044,000 is for the Watergate Special Prosecution Force.

For "Salaries and expenses" for the period July 1, 1976, through September 30, 1976; not to exceed $625 for official reception and representation expenses; $5,223,000.

LEGAL ACTIVITIES

SALARIES AND EXPENSES, GENERAL LEGAL ACTIVITIES

For expenses necessary for the legal activities of the Department of Justice, not otherwise provided for, including miscellaneous and emergency expenses authorized or approved by the Attorney General or the Assistant Attorney General for Administration; not to exceed $30,000 for expenses of collecting evidence, to be expended under the direction of the Attorney General and accounted for solely on his certificate; and advances of public moneys pursuant to law (31 U.S.C. 529); $60,220,000: *Provided*, That not to exceed $125,000 may be trans-

ferred to this appropriation from the "Alien Property Fund, World War II", for the general administrative expenses of alien property activities, including rent of private or Government-owned space in the District of Columbia.

For "Salaries and expenses, general legal activities" for the period July 1, 1976, through September 30, 1976, $14,900,000: *Provided*, That not to exceed $31,000 may be transferred to this appropriation from the "Alien Property Fund, World War II" for this period.

SALARIES AND EXPENSES, ANTITRUST DIVISION

For expenses necessary for the enforcement of antitrust, consumer protection and kindred laws, $21,595,000: *Provided*, That none of this appropriation shall be expended for the establishment and maintenance of permanent regional offices of the Antitrust Division.

For "Salaries and expenses, Antitrust Division" for the period July 1, 1976, through September 30, 1976, $5,600,000.

SALARIES AND EXPENSES, UNITED STATES ATTORNEYS AND MARSHALS

For necessary expenses of the offices of the United States attorneys and marshals, including purchase of firearms and ammunition, $142,300,000.

For "Salaries and expenses, United States attorneys and marshals" for the period July 1, 1976, through September 30, 1976, $36,100,000.

FEES AND EXPENSES OF WITNESSES

For expenses, mileage, and per diems of witnesses and for per diems in lieu of subsistence, as authorized by law, for payment of compensation and expenses of Commissioners appointed in condemnation cases under Rule 71A(h) of the Federal Rules of Civil Procedure, and not to exceed $1,750,000 for such compensation and expenses of expert witnesses pursuant to section 524 of title 28, United States Code, and sections 4244–48 of title 18, United States Code, including advances; $16,480,000: *Provided*, That no part of the sum herein appropriated shall be used to pay any witness more than one attendance fee for any one calendar day: *Provided further*, That no part of the sum herein appropriated shall be used for the payment of the compensation of land commissioners at a daily rate in excess of the equivalent daily rate of compensation paid a grade 18 on the General Schedule.

28 USC app.

5 USC 5332 note.

For "Fees and expenses of witnesses" for the period July 1, 1976, through September 30, 1976, and not to exceed $437,500 for such compensation and expenses of expert witnesses pursuant to section 524 of title 28, United States Code, and sections 4244–48 of title 18, United States Code, including advances, $4,000,000.

SALARIES AND EXPENSES, COMMUNITY RELATIONS SERVICE

For necessary expenses of the Community Relations Service established by title X of the Civil Rights Act of 1964 (42 U.S.C. 2000g—2000g–2), $3,940,000.

For "Salaries and expenses, Community Relations Service" for the period July 1, 1976, through September 30, 1976, $985,000.

FEDERAL BUREAU OF INVESTIGATION

SALARIES AND EXPENSES

For expenses necessary for the detection and prosecution of crimes against the United States; protection of the person of the President of the United States; acquisition, collection, classification and preservation of identification and other records and their exchange with, and for the official use of, the duly authorized officials of the Federal Government, of States, cities, and other institutions, such exchange to be subject to cancellation if dissemination is made outside the receiving departments or related agencies; and such other investigations regarding official matters under the control of the Department of Justice and the Department of State as may be directed by the Attorney General, including purchase for police-type use without regard to the general purchase price limitation for the current fiscal year (not to exceed one thousand three hundred and sixty-five, of which one thousand one hundred and twenty-two shall be for replacement only) and hire of passenger motor vehicles; purchase, lease, hire, maintenance, operation and storage of aircraft; firearms and ammunition; not to exceed $10,000 for taxicab hire to be used exclusively for the purposes set forth in this paragraph; payment of rewards; benefits in accordance with those provided under 22 U.S.C. 1136(9)-(11), under regulations prescribed by the Secretary of State; and not to exceed $70,000 to meet unforeseen emergencies of a confidential character, to be expended under the direction of the Attorney General, and to be accounted for solely on his certificate; $468,700,000.

None of the funds appropriated for the Federal Bureau of Investigation shall be used to pay the compensation of any civil-service employee.

For "Salaries and expenses" for the period July 1, 1976, through September 30, 1976, $124,000,000.

IMMIGRATION AND NATURALIZATION SERVICE

SALARIES AND EXPENSES

For expenses, not otherwise provided for, necessary for the administration and enforcement of the laws relating to immigration, naturalization, and alien registration, including advance of cash to aliens for meals and lodging while en route; payment of allowances (at a rate not in excess of $1 per day) to aliens, while held in custody under the immigration laws, for work performed; payment of rewards; not to exceed $50,000 to meet unforeseen emergencies of a confidential character, to be expended under the direction of the Attorney General and accounted for solely on his certificate; purchase for police-type use without regard to the general purchase price limitation for the current fiscal year (not to exceed four hundred and thirty-eight, of which three hundred and forty-four shall be for replacement only) and hire of passenger motor vehicles; purchase (not to exceed five, for replacement only), lease, maintenance and operation of aircraft; firearms and ammunition, attendance at firearms matches; refunds of head tax, maintenance bills, immigration fines, and other items properly returnable, except deposits of aliens who become public charges and deposits to secure payment of fines and passage money; operation, maintenance, remodeling, and repair of buildings and the purchase of equipment incident thereto; acquisition of land as sites for enforcement fence and construction incident to such fence; reimbursement of the General Services Administration for security guard services for pro-

tection of confidential files; research related to immigration enforcement; $208,000,000, of which not to exceed $400,000 shall remain available for such research until expended: *Provided*, That of the amount herein appropriated, not to exceed $50,000 may be used for the emergency replacement of aircraft upon certificate of the Attorney General.

For "Salaries and expenses" for the period July 1, 1976, through September 30, 1976, $52,700,000.

FEDERAL PRISON SYSTEM

SALARIES AND EXPENSES, BUREAU OF PRISONS

For expenses necessary for the administration, operation, and maintenance of Federal penal and correctional institutions, including supervision of United States prisoners in non-Federal institutions; purchase of (not to exceed twenty-seven of which twenty-two are for replacement only), and hire of passenger motor vehicles; compilation of statistics relating to prisoners in Federal penal and correctional institutions; assistance to State and local governments to improve their correctional systems; firearms and ammunition; medals and other awards; payment of rewards; purchase and exchange of farm products and livestock; construction of buildings at prison camps; and acquisition of land as authorized by section 4010 of title 18, United States Code; $186,200,000: *Provided*, That there may be transferred to the Health Services Administration such amounts as may be necessary, in the discretion of the Attorney General, for direct expenditures by that Administration for medical relief for inmates of Federal penal and correctional institutions.

42 USC 250a.

For "Salaries and expenses, Bureau of Prisons" for the period July 1, 1976, through September 30, 1976, $48,000,000.

BUILDINGS AND FACILITIES

For planning, acquisition of sites and construction of new facilities and constructing, remodeling, and equipping necessary buildings and facilities at existing penal and correctional institutions, including all necessary expenses incident thereto, by contract or force account, $12,560,000, to remain available until expended: *Provided*, That labor of United States prisoners may be used for work performed under this appropriation.

For "Buildings and facilities" for the period July 1, 1976, through September 30, 1976, $4,395,000.

SUPPORT OF UNITED STATES PRISONERS

For support of United States prisoners in non-Federal institutions, including necessary clothing and medical aid, payment of rewards, and reimbursement to St. Elizabeths Hospital for the care and treatment of United States prisoners, at per diem rates as authorized by law (24 U.S.C. 168a), $31,875,000.

For "Support of United States prisoners" for the period July 1, 1976, through September 30, 1976, $8,466,000.

FEDERAL PRISON INDUSTRIES, INCORPORATED

The Federal Prison Industries, Incorporated is hereby authorized to make such expenditures, within the limits of funds and borrowing authority available, and in accord with the law, and to make such con-

tracts and commitments, without regard to fiscal year limitations as provided by section 104 of the Government Corporation Control Act, as amended, as may be necessary in carrying out the program set forth in the budget for the current fiscal year and for the period July 1, 1976, through September 30, 1976, for such corporation, including purchase of not to exceed five (for replacement only) and hire of passenger motor vehicles, except as hereinafter provided: 31 USC 849.

LIMITATION ON ADMINISTRATIVE AND VOCATIONAL TRAINING EXPENSES, FEDERAL PRISON INDUSTRIES INCORPORATED

Not to exceed $1,906,000 of the funds of the corporation shall be available for its administrative expenses, and not to exceed $5,120,000 for the expenses of vocational training of prisoners, both amounts to be available for services as authorized by 5 U.S.C. 3109, and to be computed on an accrual basis and to be determined in accordance with the corporation's prescribed accounting system in effect on July 1, 1946, and shall be exclusive of depreciation, payment of claims, expenditures which the said accounting system requires to be capitalized or charged to cost of commodities acquired or produced, including selling and shipping expenses, and expenses in connection with acquisition, construction, operation, maintenance, improvement, protection, or disposition of facilities and other property belonging to the corporation or in which it has an interest.

For the period July 1, 1976, through September 30, 1976, not to exceed $524,000 of the funds of the corporation shall be available for its administrative expenses, and not to exceed $1,331,000 shall be available for the expenses of vocational training of prisoners, both amounts to be available on the same basis as such funds were made available in fiscal year 1976.

LAW ENFORCEMENT ASSISTANCE ADMINISTRATION

SALARIES AND EXPENSES

For grants, contracts, loans, and other assistance authorized by title I of the Omnibus Crime Control and Safe Streets Act of 1968, as amended, and title II of the Juvenile Justice and Delinquency Prevention Act of 1974, including departmental salaries and other expenses in connection therewith, $809,638,000, to remain available until expended. 42 USC 3701. 42 USC 5611.

For "Salaries and expenses" for the period July 1, 1976, through September 30, 1976, $204,960,000, to remain available until expended.

DRUG ENFORCEMENT ADMINISTRATION

SALARIES AND EXPENSES

For necessary expenses of the Drug Enforcement Administration, including hire of passenger motor vehicles; payment in advance for special tests and studies by contract; not to exceed $70,000 to meet unforeseen emergencies of a confidential character, to be expended under the direction of the Attorney General, and to be accounted for solely on his certificate; purchase of not to exceed four hundred fifty-three passenger motor vehicles (of which four hundred forty-two are for replacement only) for police-type use without regard to the general purchase price limitation for the current fiscal year; payment of rewards; payment for publication of technical and informational material in professional and trade journals; purchase of chemicals,

apparatus, and scientific equipment; payment for necessary accommodations in the District of Columbia for conferences and training activities; acquisition (purchase of one), lease, maintenance, and operation of aircraft; employment of aliens by contract for services abroad; research related to enforcement and drug control; benefits in accordance with those provided under 22 U.S.C. 1136(9)–(11), under regulations prescribed by the Secretary of State; $149,859,000, of which not to exceed $4,500,000 for research shall remain available until expended.

For "Salaries and expenses" for the period July 1, 1976, through September 30, 1976, $41,758,000.

GENERAL PROVISIONS—DEPARTMENT OF JUSTICE

Attorneys, qualifications.

SEC. 202. None of the funds appropriated by this title may be used to pay the compensation of any person hereafter employed as an attorney (except foreign counsel employed in special cases) unless such person shall be duly licensed and authorized to practice as an attorney under the laws of a State, territory, or the District of Columbia.

Meetings, attendance.

SEC. 203. Appropriations and authorizations made in this title which are available for expenses of attendance at meetings shall be expended for such purposes in accordance with regulations prescribed by the Attorney General.

Experts and consultants.

SEC. 204. Appropriations and authorizations made in this title for salaries and expenses shall be available for services as authorized by 5 U.S.C. 3109.

Uniforms.

SEC. 205. Appropriations for "Salaries and expenses, general administration", "Salaries and expenses, United States attorneys and marshals", "Salaries and expenses, Federal Bureau of Investigation", "Salaries and expenses, Immigration and Naturalization Service", and "Salaries and expenses, Bureau of Prisons", shall be available for uniforms and allowances therefor as authorized by law (5 U.S.C. 5901–5902).

Government motor vehicles, insurance.

SEC. 206. Appropriations made in this title shall be available for the purchase of insurance for motor vehicles operated on official Government business in foreign countries.

SEC. 207. Appropriations made available for the period July 1, 1976, through September 30, 1976, shall be available for the purchase (for replacement purposes only) of one-fourth of the number of motor vehicles authorized for each appropriation in the Department of Justice Appropriation Act, 1976.

Aircraft.

SEC. 208. None of the amounts appropriated for the period July 1, 1976, through September 30, 1976, shall be available for the purchase of aircraft: *Provided*, That of the amount herein appropriated not to exceed $50,000 may be used for the emergency replacement of aircraft upon the certificate of the Attorney General.

Citation of title.

This title may be cited as the "Department of Justice Appropriation Act, 1976".

Department of Commerce Appropriation Act, 1976.

TITLE III—DEPARTMENT OF COMMERCE

GENERAL ADMINISTRATION

SALARIES AND EXPENSES

For expenses necessary for the general administration of the Department of Commerce, including not to exceed $1,500 for official entertainment, $12,580,000.

For "Salaries and expenses" for the period July 1, 1976, through September 30, 1976, including not to exceed $375 for official entertainment, $3,145,000.

PARTICIPATION IN UNITED STATES EXPOSITIONS

For expenses necessary to carry out the demolition of the New York World's Fair Building, $530,000, to remain available until expended.

SOCIAL AND ECONOMIC STATISTICS ADMINISTRATION

SALARIES AND EXPENSES

For expenses necessary for collecting, compiling, analyzing, preparing, and publishing statistics, provided for by law, and modernization or development of automatic data processing equipment, $52,090,000.

For "Salaries and expenses" for the period July 1, 1976, through September 30, 1976, $13,540,000.

PERIODIC CENSUSES AND PROGRAMS

For expenses necessary to prepare for taking, compiling, and publishing the censuses of business, transportation, manufactures, and mineral industries; the census of governments; the census of agriculture; the census of population and housing; and periodic surveys, as provided for by law, $27,000,000, to remain available until expended.

For "Periodic censuses and programs" for the period July 1, 1976, through September 30, 1976, $8,200,000, to remain available until expended.

ECONOMIC DEVELOPMENT ADMINISTRATION

ECONOMIC DEVELOPMENT ASSISTANCE PROGRAMS

For economic development assistance as authorized by titles I, II, III, IV, and IX of the Public Works and Economic Development Act of 1965, as amended, and title II of the Trade Act of 1974, $360,000,000. 42 USC 3131, 3141, 3151, 3161, 3241.

For "Economic development assistance programs" for the period July 1, 1976, through September 30, 1976, $89,625,000. 19 USC 2251.

ADMINISTRATION OF ECONOMIC DEVELOPMENT ASSISTANCE PROGRAMS

For necessary expenses of administering the economic development assistance programs, not otherwise provided for, $25,378,000, of which not to exceed $300,000 may be advanced to the Small Business Administration for processing of loan applications.

For "Administration of economic development assistance programs" for the period July 1, 1976, through September 30, 1976, $6,375,000, of which not to exceed $75,000 may be advanced to the Small Business Administration for processing of loan applications.

REGIONAL ACTION PLANNING COMMISSIONS

REGIONAL DEVELOPMENT PROGRAMS

For expenses necessary to carry out the programs authorized by title V of the Public Works and Economic Development Act of 1965, as amended, $63,068,000, to remain available until expended. 42 USC 3181.

For "Regional development programs" for the period July 1, 1976, through September 30, 1976, $15,760,000, to remain available until expended.

DOMESTIC AND INTERNATIONAL BUSINESS ADMINISTRATION

OPERATIONS AND ADMINISTRATION

For necessary expenses of domestic business activities of the Department of Commerce; necessary expenses for international business activities, including trade promotional activities abroad without regard to the provisions of law set forth in 41 U.S.C. 5 and 13, and 44 U.S.C. 501, 3702, and 3703; full medical coverage for dependent members of immediate families of employees stationed overseas; purchase of commercial and trade reports; employment of aliens by contract for services abroad; rental of space abroad, for periods not exceeding five years, and expenses of alteration, repair, or improvement; purchase or construction of temporary demountable exhibition structures for use abroad; advance of funds under contracts abroad; payment of tort claims, in the manner authorized in the first paragraph of 28 U.S.C. 2672 when such claims arise in foreign countries; and not to exceed $4,200 for official representation expenses abroad; necessary expenses to carry out the provisions of the Defense Production Act of 1950, as amended; and necessary expenses for carrying out the Export Administration Act of 1969, as amended and extended by the Equal Export Opportunity Act, including awards of compensation to informers under said Act and as authorized by 22 U.S.C. 401(b); $61,205,000, to remain available until expended, of which not to exceed $600,000 may be advanced to the United States Customs Service, Treasury Department, for enforcement of the export administration program: *Provided*, That the provisions of the first sentence of section 105(f) and all of section 108(c) of the Mutual Educational and Cultural Exchange Act of 1961 (22 U.S.C. 2455(f) and 2458(c)) shall apply in carrying out the activities concerned with international business activities.

50 USC app. 2061 note.
50 USC app. 2401 note.

For "Operations and administration" for the period July 1, 1976, through September 30, 1976, including $1,050 for representation expenses abroad, $15,250,000, to remain available until expended.

MINORITY BUSINESS ENTERPRISE

MINORITY BUSINESS DEVELOPMENT

For necessary expenses of the Department of Commerce in fostering, promoting, and developing minority business enterprise, $49,850,000, of which $38,470,000 shall remain available until expended: *Provided*, That not to exceed $11,380,000 shall be available for program development and management.

For "Minority business development" for the period July 1, 1976, through September 30, 1976, $12,463,000, of which $9,618,000 shall remain available until expended: *Provided*, That not to exceed $2,845,000 shall be available for program development and management.

UNITED STATES TRAVEL SERVICE

SALARIES AND EXPENSES

For necessary expenses to carry out the provisions of the International Travel Act of 1961, as amended, including employment of aliens by contract for service abroad; rental of space abroad, for periods not exceeding five years, and expenses of alteration, repair, or improvement; advance of funds under contracts abroad; payment of tort claims, in the manner authorized in the first paragraph of section 2672 of title 28 of the United States Code, when such claims arise in foreign countries; and not to exceed $3,500 for representation expenses abroad; and for necessary expenses to carry out the provisions of the Act of July 19, 1940, as amended, $12,815,000. 22 USC 2121 note. 16 USC 18-18d.

For "Salaries and expenses" for the period July 1, 1976, through September 30, 1976, including not to exceed $875 for representation expenses abroad, $3,204,000.

NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION

OPERATIONS, RESEARCH, AND FACILITIES

For expenses necessary for the National Oceanic and Atmospheric Administration, including research and development; testing and evaluation of new operational systems and equipment; including maintenance, operation, and hire of aircraft; acquisition and installation of research instrumentation; expenses of an authorized strength of 388 commissioned officers on the active list; pay of commissioned officers retired in accordance with law and payments under the Retired Serviceman's Family Protection and the Survivors Benefit plans; observation of environmental conditions from space satellites, and reporting and processing of the data obtained for use in environmental forecasting; and construction of facilities, including initial equipment; alteration, modernization, and relocation of facilities; and acquisition of land for facilities; and for carrying out the provisions of the Fur Seal Act of 1966; $495,162,000, to remain available until expended, of which so much as may become available during the current fiscal year shall be derived from the Pribilof Islands Fund: *Provided*, That this appropriation shall be available for payment to the National Aeronautics and Space Administration for procurement, in accordance with the authority available to that Administration, of such equipment or facilities as may be necessary, for the purposes of this appropriation: *Provided further*, That all obligated, unliquidated balances of the Administration of Pribilof Islands account shall be merged with this appropriation. 10 USC 1431. 16 USC 1151 note.

For "Operations, research, and facilities" for the period July 1, 1976, through September 30, 1976, $136,000,000, to remain available until expended.

COASTAL ZONE MANAGEMENT

For carrying out the provisions of Public Law 92-583, approved October 27, 1972, $18,000,000, to remain available until expended. 16 USC 1451 note.

For "Coastal zone management" for the period July 1, 1976, through September 30, 1976, $4,500,000, to remain available until expended.

FISHERMEN'S GUARANTY FUND

22 USC 1971 note.

For payment to the Fishermen's Guaranty Fund, established pursuant to the Act of August 12, 1968 (82 Stat. 729), $61,000, to remain available until expended.

For "Fishermen's guaranty fund" for the period July 1, 1976, through September 30, 1976, $15,000, to remain available until expended.

CONSTRUCTION

For expenses necessary for the National Oceanic and Atmospheric Administration for planning the construction of facilities, $1,000,000, to remain available until expended.

NATIONAL FIRE PREVENTION AND CONTROL ADMINISTRATION

OPERATIONS, RESEARCH, AND ADMINISTRATION

15 USC 2201 note.

For expenses necessary to carry out the provisions of the Federal Fire Prevention and Control Act of 1974, $8,618,000, to remain available until expended: *Provided*, That no part of the appropriation shall be available for the Federal Fire Council subsequent to enactment of this legislation.

For "Operations, research, and administration" for the period July 1, 1976, through September 30, 1976, $2,235,000, to remain available until expended.

PATENT AND TRADEMARK OFFICE

SALARIES AND EXPENSES

For necessary expenses of the Patent and Trademark Office, including defense of suits instituted against the Commissioner of Patents and Trademarks, $83,300,000.

For "Salaries and expenses" for the period July 1, 1976, through September 30, 1976, $20,840,000.

SCIENCE AND TECHNICAL RESEARCH

SCIENTIFIC AND TECHNICAL RESEARCH AND SERVICES

For necessary expenses of the National Bureau of Standards, including the acquisition of buildings, grounds, and other facilities; the National Technical Information Service; and telecommunications research and development activities of the Department of Commerce; $63,004,000, to remain available until expended, of which not to exceed $2,085,000 may be transferred to the "Working Capital Fund", National Bureau of Standards, for additional capital.

For "Scientific and technical research and services" for the period July 1, 1976, through September 30, 1976, $16,128,000, to remain available until expended, of which not to exceed $475,000 may be transferred to the "Working Capital Fund", National Bureau of Standards, for additional capital.

MARITIME ADMINISTRATION

SHIP CONSTRUCTION

For construction-differential subsidy and cost of national-defense features incident to construction of ships for operation in foreign commerce (46 U.S.C. 1152, 1154); for construction-differential subsidy and cost of national-defense features incident to the reconstruction and reconditioning of ships under title V of the Merchant Marine Act, 1936, as amended (46 U.S.C. 1154); and for acquisition of used ships pursuant to section 510 of the Merchant Marine Act, 1936, as amended (46 U.S.C. 1160); $195,000,000, to remain available until expended.

For "Ship construction" for the period July 1, 1976, through September 30, 1976, $18,000,000, to remain available until expended.

OPERATING-DIFFERENTIAL SUBSIDIES (LIQUIDATION OF CONTRACT AUTHORITY)

For the payment of obligations incurred for operating-differential subsidies granted on or after January 1, 1947, as authorized by the Merchant Marine Act, 1936, as amended, and in appropriations heretofore made to the United States Maritime Commission, $315,936,000, to remain available until expended. 46 USC 1245.

For "Operating-differential subsidies (liquidation of contract authority)" for the period July 1, 1976, through September 30, 1976, $70,582,000, to remain available until expended.

RESEARCH AND DEVELOPMENT

For expenses necessary for research, development, fabrication, and test operation of experimental facilities and equipment; collection and dissemination of maritime technical and engineering information; studies to improve water transportation systems; $12,000,000, to remain available until expended.

For "Research and development" for the period July 1, 1976, through September 30, 1976, $4,000,000, to remain available until expended.

OPERATIONS AND TRAINING

For expenses necessary for carrying out the Merchant Marine Act, 1936, as amended, and the training of cadets as officers of the Merchant Marine, including not to exceed $1,125 for entertainment of officials of other countries when specifically authorized by the Maritime Administrator; not to exceed $1,250 for representation allowances; not to exceed $2,500 for contingencies for the Superintendent, United States Merchant Marine Academy to be expended in his discretion; purchase of not to exceed one passenger motor vehicle for replacement only; and uniform and textbook allowances for cadet midshipmen at the United States Merchant Marine Academy at an average yearly cost of not to exceed $575 per cadet; $45,000,000, to remain available until expended: *Provided*, That reimbursement may be made to this appropriation for expenses in support of activities for National Maritime Research Centers financed from the appropriation for "Research and development": *Provided further*, That reimbursements may be made to this appropriation from receipts to the "Federal ship financing fund" for administrative expenses in support of that program.

For "Operations and training" for the period July 1, 1976, through September 30, 1976, including not to exceed $300 for entertainment of officials of other countries when specificially authorized by the Maritime Administrator; not to exceed $300 for representation allowances; and not to exceed $625 for contingencies for the Superintendent, United States Merchant Marine Academy to be expended in his discretion; $11,280,000, to remain available until expended.

GENERAL PROVISIONS—MARITIME ADMINISTRATION

50 USC app. 1738b.

No additional vessel shall be allocated under charter, nor shall any vessel be continued under charter by reason of any extension of chartering authority beyond June 30, 1949, unless the charterer shall agree that the Maritime Administration shall have no obligation upon redelivery to accept or pay for consumable stores, bunkers, and slopchest items, except with respect to such minimum amounts of bunkers as the Maritime Administration considers advisable to be retained on the vessel and that prior to such redelivery all consumable stores, slopchest items, and bunkers over and above such minimums shall be removed from the vessel by the charterer at his own expense.

Notwithstanding any other provision of this Act, the Maritime Administration is authorized to furnish utilities and services and make necessary repairs in connection with any lease, contract, or occupancy involving Government property under control of the Maritime Administration and payments received by the Maritime Administration for utilities, services, and repairs so furnished or made shall be credited to the appropriation charged with the cost thereof: *Provided*, That rental payments under any such lease, contract, or occupancy on account of items other than such utilities, services, or repairs shall be covered into the Treasury as miscellaneous receipts.

46 USC 1116.

No obligations shall be incurred during the current fiscal year and the period July 1, 1976, through September 30, 1976, from the construction fund established by the Merchant Marine Act, 1936, or otherwise, in excess of the appropriations and limitations contained in this Act, or in any prior appropriation Act, and all receipts which otherwise would be deposited to the credit of said fund shall be covered into the Treasury as miscellaneous receipts.

GENERAL PROVISIONS—DEPARTMENT OF COMMERCE

SEC. 302. During the current fiscal year and the period July 1, 1976, through September 30, 1976, applicable appropriations and funds available to the Department of Commerce shall be available for the activities specified in the Act of October 26, 1949 (15 U.S.C. 1514), to the extent and in the manner prescribed by said Act.

SEC. 303. During the current fiscal year and the period July 1, 1976, through September 30, 1976, appropriations to the Department of Commerce which are available for salaries and expenses shall be available for hire of passenger motor vehicles; services as authorized by 5 U.S.C. 3109; and uniforms, or allowances therefor, as authorized by law (5 U.S.C. 5901-5902).

SEC. 304. No part of any appropriation contained in this title shall be used for construction of any ship in any foreign country.

Citation of title.

This title may be cited as the "Department of Commerce Appropriation Act, 1976".

TITLE IV—THE JUDICIARY

Judiciary Appropriation Act, 1976.

SUPREME COURT OF THE UNITED STATES

SALARIES

For the Chief Justice and eight Associate Justices, and all other officers and employees, whose compensation shall be fixed by the Court, except as otherwise provided by law, and who may be employed and assigned by the Chief Justice to any office or work of the Court, $5,056,000.

For "Salaries" for the period July 1, 1976, through September 30, 1976, $1,314,000.

PRINTING AND BINDING SUPREME COURT REPORTS

For printing and binding the advance opinions, preliminary prints, and bound reports of the Court, $706,000.

MISCELLANEOUS EXPENSES

For miscellaneous expenses, to be expended as the Chief Justice must approve, $737,000.

For "Miscellaneous expenses" for the period July 1, 1976, through September 30, 1976, $178,000.

AUTOMOBILE FOR THE CHIEF JUSTICE

For purchase, exchange, lease, driving, maintenance, and operation of an automobile for the Chief Justice of the United States, $19,000.

For "Automobile for the Chief Justice" for the period July 1, 1976, through September 30, 1976, $4,700.

BOOKS FOR THE SUPREME COURT

For books and periodicals for the Supreme Court to be purchased by the Librarian of the Supreme Court, under the direction of the Chief Justice, $63,000.

For "Books for the Supreme Court" for the period July 1, 1976, through September 30, 1976, $15,800.

CARE OF THE BUILDING AND GROUNDS

For such expenditures as may be necessary to enable the Architect of the Capitol to carry out the duties imposed upon him by the Act approved May 7, 1934 (40 U.S.C. 13a–13b), including improvements, maintenance, repairs, equipment, supplies, materials, and appurtenances; special clothing for workmen; and personal and other services (including temporary labor without reference to the Classification and Retirement Acts, as amended), and for snow removal by hire of men and equipment or under contract without compliance with section 3709 of the Revised Statutes, as amended (41 U.S.C. 5); $1,429,000, of which $800,000 shall remain available until expended.

5 USC 5101 *et seq.*, 8331 *et seq.*

For "Care of the building and grounds" for the period July 1, 1976, through September 30, 1976, $195,500.

COURT OF CUSTOMS AND PATENT APPEALS

SALARIES AND EXPENSES

For salaries of the chief judge, four associate judges, and all other officers and employees of the court, and necessary expenses of the court, including exchange of books, and traveling expenses, as may be approved by the chief judge, $853,000.

For "Salaries and expenses" for the period July 1, 1976, through September 30, 1976, $213,000.

CUSTOMS COURT

SALARIES AND EXPENSES

For salaries of the chief judge and eight judges; salaries of the officers and employees of the court; services as authorized by 5 U.S.C. 3109; and necessary expenses of the court, including exchange of books and traveling expenses, as may be approved by the court; $2,587,000: *Provided*, That traveling expenses of judges of the Customs Court shall be paid upon written certificate of the judge.

For "Salaries and expenses" for the period July 1, 1976, through September 30, 1976, $645,000.

COURT OF CLAIMS

SALARIES AND EXPENSES

For salaries of the chief judge, six associate judges, and all other officers and employees of the court, and for other necessary expenses, including stenographic and other fees and charges necessary in the taking of testimony, and travel, $2,429,000.

For "Salaries and expenses" for the period July 1, 1976, through September 30, 1976, $597,000.

COURTS OF APPEALS, DISTRICT COURTS, AND OTHER JUDICIAL SERVICES

SALARIES OF JUDGES

For salaries of circuit judges; district judges (including judges of the district courts of the Virgin Islands, the Panama Canal Zone, and Guam); justices and judges retired or resigned under title 28, United States Code, sections 371, 372, and 373; and annuities of widows of Justices of the Supreme Court of the United States in accordance with title 28, United States Code, section 375; $28,750,000.

For "Salaries of judges" for the period July 1, 1976, through September 30, 1976, $7,230,000.

SALARIES OF SUPPORTING PERSONNEL

28 USC 604 note.

For salaries of all officials and employees of the Federal Judiciary, not otherwise specifically provided for, $117,075,000: *Provided*, That the salaries of secretaries to circuit and district judges shall not exceed the compensation established in chapter 51 of title 5, United States Code, for General Schedule grade (GS) 5, 6, 7, 8, 9, or 10, and that the salaries of law clerks to circuit and district judges shall not exceed the compensation established in chapter 51 of title 5, United States Code, for General Schedule grade (GS) 7, 8, 9, 10, 11, or 12: *Provided*

5 USC 5101, 5332 note.

further, That (exclusive of step increases corresponding with those provided for by chapter 53 of title 5 of the United States Code, and of compensation paid for temporary assistance needed because of an emergency) the aggregate salaries paid to secretaries and law clerks appointed by each of the circuit and district judges shall not exceed $60,902 and $36,921 per annum, respectively, except in the case of the chief judge of each circuit and the chief judge of each district court having five or more district judges, in which case the aggregate salaries shall not exceed $75,019 and $47,441 per annum, respectively: *Provided further*, That the chief judge of each circuit may appoint a senior law clerk to the court at not more than $30,000 per annum, without regard to the limitations referred to above, said salary to be paid from this appropriation and be set by the Judicial Council of the Circuit, which Council shall also prescribe the duties and qualification of the position. 28 USC 604 note. 5 USC 5301.

For "Salaries of supporting personnel" for the period July 1, 1976, through September 30, 1976, $29,700,000.

REPRESENTATION BY COURT-APPOINTED COUNSEL AND OPERATION OF DEFENDER ORGANIZATIONS

For the operation of Federal Public Defender and Community Defender organizations, and the compensation and reimbursement of expenses of attorneys appointed to represent persons under the Criminal Justice Act of 1964 (18 U.S.C. 3006A, as amended by Public Law 91-447, October 14, 1970), $16,590,000.

For "Representation by court-appointed counsel and operation of defender organizations" for the period July 1, 1976, through September 30, 1976, $4,148,000.

FEES OF JURORS

For fees, expenses, and costs of jurors; and compensation of jury commissioners; $18,000,000.

For "Fees of jurors" for the period July 1, 1976, through September 30, 1976, $4,500,000.

TRAVEL AND MISCELLANEOUS EXPENSES

For necessary travel and miscellaneous expenses, not otherwise provided for, incurred by the Judiciary, including the purchase of firearms and ammunition, $20,040,000.

For "Travel and miscellaneous expenses" for the period July 1, 1976, through September 30, 1976, $4,883,000.

SALARIES AND EXPENSES OF UNITED STATES MAGISTRATES

For compensation and expenses of United States Magistrates, including secretarial and clerical assistance, as authorized by 28 U.S.C. 634-635, $10,510,000.

For "Salaries and expenses of United States magistrates" for the period July 1, 1976, through September 30, 1976, $2,594,000.

SALARIES AND EXPENSES OF REFEREES

For salaries and expenses of referees as authorized by the Act of June 28, 1946, as amended (11 U.S.C. 68, 102), not to exceed $24,096,000, to be derived from the Referees' salary and expense fund established in pursuance of said Act, and, to the extent of any deficiency in said fund, from any monies in the Treasury not otherwise appropriated: *Provided*, That $600,000 shall be transferred to the

appropriation for "Administrative Office of the United States Courts" for general administrative expense of the bankruptcy system.

For "Salaries and expenses of referees" for the period July 1, 1976, through September 30, 1976, $6,008,000: *Provided*, That $150,000 shall be transferred to the appropriation for "Administrative Office of the United States Courts" for general administrative expense of the bankruptcy system.

ADMINISTRATIVE OFFICE OF THE UNITED STATES COURTS

SALARIES AND EXPENSES

For necessary expenses of the Administrative Office of the United States Courts, including travel, advertising, and rent in the District of Columbia and elsewhere, $7,233,000: *Provided*, That not to exceed $120,000 of the appropriations contained in this title shall be available for the study of rules of practice and procedure.

For "Administrative Office of the United States Courts" for the period July 1, 1976, through September 30, 1976, $1,823,000.

FEDERAL JUDICIAL CENTER

SALARIES AND EXPENSES

For necessary expenses of the Federal Judicial Center, as authorized by Public Law 90-219, $6,565,000. 28 USC 620.

For "Salaries and expenses" for the period July 1, 1976, through September 30, 1976, $1,721,000.

SPACE AND FACILITIES, THE JUDICIARY

SPACE AND FACILITIES

For the rental of space, tenant alterations, and related services for the United States Courts of Appeals and District Courts, the Court of Customs and Patent Appeals, the Customs Court, the Court of Claims, the Administrative Office of the United States Courts and the Federal Judicial Center, pursuant to the Public Buildings Amendments of 1972, Public Law 92-313, June 16, 1972 (86 Stat. 216), $64,000,000, to be available for transfer to the General Services Administration which shall be responsible for administering the program in compliance with standards or guidelines prescribed by the Director of the Administrative Office of the United States Courts under the supervision and direction of the Judicial Conference of the United States. 40 USC 603 note.

For "Space and facilities" for the period July 1, 1976, through September 30, 1976, $16,000,000.

EXPENSES, UNITED STATES COURT FACILITIES

FURNITURE AND FURNISHINGS

For necessary expenses, not otherwise provided for, to provide furniture and furnishings for the United States Courts, including the Administrative Office of the United States Courts and the Federal Judicial Center, $4,570,000, to be available for transfer to the General Services Administration which shall be responsible for administering the program in compliance with standards or guidelines prescribed by the Director of the Administrative Office of the United States Courts under the supervision and direction of the Judicial Conference of the United States.

For "Furniture and furnishings" for the period July 1, 1976, through September 30, 1976, $425,000.

BICENTENNIAL EXPENSES, THE JUDICIARY

BICENTENNIAL ACTIVITIES

For expenses to be incurred by the Judiciary in the observance of the American Revolution Bicentennial, $2,000,000, which sum shall be available for allocation by the Administrative Office of the United States Courts to the respective United States courts of appeals and district courts and for programs or projects conducted on a national level, to remain available until expended.

GENERAL PROVISION—THE JUDICIARY

SEC. 402. The reports of the United States Court of Appeals for the District of Columbia shall not be sold for a price exceeding that approved by the court and for not more than $9.00 per volume. D.C. Code 11-301 note.

This title may be cited as the "Judiciary Appropriation Act, 1976". Citation of title.

TITLE V—RELATED AGENCIES

ARMS CONTROL AND DISARMAMENT AGENCY

ARMS CONTROL AND DISARMAMENT ACTIVITIES

For necessary expenses, not otherwise provided for, for arms control and disarmament activities authorized by the Act of September 26, 1961, as amended (22 U.S.C. 2551 et seq.), $10,500,000.

For "Arms control and disarmament activities" for the period July 1, 1976, through September 30, 1976, $2,700,000.

BOARD FOR INTERNATIONAL BROADCASTING

GRANTS AND EXPENSES

For expenses of the Board for International Broadcasting, including grants to Radio Free Europe and Radio Liberty, $64,500,000.

For "Grants and expenses" for the period July 1, 1976, through September 30, 1976, $17,968,000.

COMMISSION ON CIVIL RIGHTS

SALARIES AND EXPENSES

For expenses necessary for the Commission on Civil Rights, including hire of passenger motor vehicles, $7,700,000.

For "Salaries and expenses" for the period July 1, 1976, through September 30, 1976, $1,925,000.

EQUAL EMPLOYMENT OPPORTUNITY COMMISSION

SALARIES AND EXPENSES

For necessary expenses of the Equal Employment Opportunity Commission established by title VII of the Civil Rights Act of 1964,

42 USC 2000e.

as amended, including services as authorized by 5 U.S.C. 3109; hire of passenger motor vehicles; and not to exceed $6,000,000 for payments to State and local agencies for services to the Commission pursuant to title VII of the Civil Rights Act, as amended; $63,040,000.

For "Salaries and expenses" for the period July 1, 1976, through September 30, 1976, $18,290,000.

FEDERAL COMMUNICATIONS COMMISSION

SALARIES AND EXPENSES

For necessary expenses for the Federal Communications Commission, as authorized by law, including uniforms or allowances therefor, as authorized by law (5 U.S.C. 5901–5902); not to exceed $353,000 for land and structures; not to exceed $65,000 for improvement and care of grounds and repair to buildings; not to exceed $1,500 for official reception and representation expenses; purchase (not to exceed eight) and hire of motor vehicles; special counsel fees; and services as authorized by 5 U.S.C. 3109; $49,500,000: *Provided*, That not to exceed $500,000 of the foregoing amount shall remain available until September 30, 1977, for research and policy studies.

For "Salaries and Expenses", including the hire of motor vehicles, and not to exceed $375 for official reception and representation expenses, for the period July 1, 1976, through September 30, 1976; $12,325,000.

FEDERAL MARITIME COMMISSION

SALARIES AND EXPENSES

For necessary expenses of the Federal Maritime Commission, including services as authorized by 5 U.S.C. 3109; hire of passenger motor vehicles; and uniforms or allowances therefor, as authorized by 5 U.S.C. 5901–5902; $7,840,000: *Provided*, That not to exceed $1,500 shall be available for official reception and representation expenses.

For "Salaries and expenses" for the period July 1, 1976, through September 30, 1976, $1,960,000: *Provided*, That not to exceed $375 shall be available for official reception and representation expenses.

FEDERAL TRADE COMMISSION

SALARIES AND EXPENSES

For necessary expenses of the Federal Trade Commission, including uniforms or allowances therefor, as authorized by 5 U.S.C. 5901–5902; services as authorized by 5 U.S.C. 3109; hire of passenger motor vehicles; and not to exceed $1,500 for official reception and representation expenses; $45,927,000.

No part of these funds may be used to pay the salary of any employee, including Commissioners, of the Federal Trade Commission who—

(1) makes any publication based on the line-of-business data furnished by individual firms without taking reasonable precautions to prevent disclosure of the line-of-business data furnished by any particular firm; or

(2) permits anyone other than sworn officers and employees of the Federal Trade Commission to examine the line-of-business reports from individual firms; or

(3) uses the information provided in the line-of-business program for any purpose other than statistical purposes. Such information for carrying out specific law enforcement responsbilities of the Federal Trade Commission shall be obtained under existing practices and procedures or as changed by law.

For "Salaries and expenses", including $375 for official reception and representation expenses, for the period July 1, 1976, through September 30, 1976, $12,000,000.

FOREIGN CLAIMS SETTLEMENT COMMISSION

SALARIES AND EXPENSES

For expenses necessary to carry on the activities of the Foreign Claims Settlement Commission, including services as authorized by 5 U.S.C. 3109; allowances and benefits similar to those provided by title IX of the Foreign Service Act of 1946, as amended, as determined by the Commission; expenses of packing, shipping, and storing personal effects of personnel assigned abroad; rental or lease, for such periods as may be necessary, of office space and living quarters for personnel assigned abroad; maintenance, improvement, and repair of properties rented or leased abroad, and furnishing fuel, water, and utilities for such properties; insurance on official motor vehicles abroad; advances of funds abroad; advances or reimbursements to other Government agencies for use of their facilities and services in carrying out the functions of the Commission; hire of motor vehicles for field use only; and employment of aliens; $1,400,000. 22 USC 1131.

For "Salaries and expenses" for the period July 1, 1976, through September 30, 1976, $375,000.

INTERNATIONAL TRADE COMMISSION

SALARIES AND EXPENSES

For necessary expenses of the International Trade Commission, not to exceed $200,000 for expenses of travel, hire of passenger motor vehicles, and services as authorized by 5 U.S.C. 3109, $10,400,000: *Provided*, That no part of this appropriation shall be used to pay the salary of any member of the International Trade Commission who shall hereafter participate in any proceedings under sections 336, 337, and 338 of the Tariff Act of 1930, wherein he or any member of his family has any special, direct, and pecuniary interest, or in which he has acted as attorney or special representative: *Provided further*, That no part of the foregoing appropriation shall be used for making any special study, investigation, or report at the request of any other agency of the executive branch of the Government unless reimbursement is made for the cost thereof. 19 USC 1336, 1337, 1338.

For "Salaries and expenses" for the period July 1, 1976, through September 30, 1976, including not to exceed $50,000 for expenses of travel; hire of passenger motor vehicles; and services as authorized by 5 U.S.C. 3109; $2,675,000.

LEGAL SERVICES CORPORATION

To enable the Community Services Administration to make payment to the Legal Services Corporation to carry out the purposes of the Legal Services Corporation Act of 1974 (P.L. 93-355), $88,000,000, of which such sums as may be necessary shall be available to the Community Services Administration to pay obligations incurred in carrying out Section 3 of said Act.

42 USC 2996 note.

For "Legal Services Corporation" for the period July 1, 1976, through September 30, 1976, $24,630,000.

MARINE MAMMAL COMMISSION

SALARIES AND EXPENSES

For necessary expenses of the Marine Mammal Commission to carry out the provisions of title II of the Act of October 21, 1972 (Public Law 92-522), establishing the Marine Mammal Commission, $900,000.

16 USC 1401.

For "Salaries and expenses" for the period July 1, 1976, through September 30, 1976, $225,000.

NATIONAL COMMISSION FOR THE REVIEW OF FEDERAL AND STATE LAWS RELATING TO WIRETAPPING AND ELECTRONIC SURVEILLANCE

SALARIES AND EXPENSES

For necessary expenses of the National Commission for the Review of Federal and State Laws Relating to Wiretapping and Electronic Surveillance, established by the Omnibus Crime Control and Safe Streets Act of 1968 (84 Stat. 224), $400,000, to remain available until expended.

42 USC 3701 note.

OFFICE OF THE SPECIAL REPRESENTATIVE FOR TRADE NEGOTIATIONS

SALARIES AND EXPENSES

For expenses necessary for the Office of the Special Representative for Trade Negotiations, including hire of passenger motor vehicles, and services as authorized by 5 U.S.C. 3109, $1,980,000.

For "Salaries and expenses" for the period July 1, 1976, through September 30, 1976, $495,000.

PRIVACY PROTECTION STUDY COMMISSION

For necessary expenses of the Privacy Protection Study Commission pursuant to the provisions of the Privacy Act (Public Law 93-579), $150,000.

5 USC 552a note.

RENEGOTIATION BOARD

SALARIES AND EXPENSES

For necessary expenses of the Renegotiation Board, including hire of passenger motor vehicles and services as authorized by 5 U.S.C. 3109, $5,400,000.

For "Salaries and expenses" for the period July 1, 1976, through September 30, 1976, $1,335,000.

SECURITIES AND EXCHANGE COMMISSION

SALARIES AND EXPENSES

For necessary expenses for the Securities and Exchange Commission, including services as authorized by 5 U.S.C. 3109, and not to exceed $2,000 for official reception and representation expenses, $47,885,000.

For "Salaries and expenses" for the period July 1, 1976, through September 30, 1976, including not to exceed $500 for official reception and representation expenses, $12,675,000.

SMALL BUSINESS ADMINISTRATION

SALARIES AND EXPENSES

For necessary expenses, not otherwise provided for, of the Small Business Administration, including hire of passenger vehicles, not to exceed $1,500 for official reception and representation expenses, $28,350,000, and in addition there may be transferred to this appropriation not to exceed a total of $89,500,000 from the "Disaster loan fund", the "Business loan and investment fund", the "Lease guarantees revolving fund" and the "Surety bond guarantees revolving fund", in such amounts as may be necessary for administrative expenses in connection with activities respectively financed under said funds: *Provided*, That 10 per centum of the amount authorized to be transferred from these revolving funds shall be apportioned for use, pursuant to section 3679 of the Revised Statutes, as amended, only in such amounts and at such times as may be necessary to carry out the business and disaster loan, and lease guarantee and surety bond guarantee programs. 31 USC 665.

For "Salaries and expenses" for the period July 1, 1976, through September 30, 1976, including not to exceed $375 for official reception and representation expenses, $28,735,000, of which $21,900,000 shall be derived by transfer from the "Business loan and investment fund", the "Disaster loan fund", the "Lease guarantees revolving fund", and the "Surety bond guarantees revolving fund".

DISASTER LOAN FUND

BUSINESS LOAN AND INVESTMENT FUND

LEASE GUARANTEES REVOLVING FUND

SURETY BOND GUARANTEES REVOLVING FUND

The Small Business Administration is hereby authorized to make such expenditures, within the limits of funds and borrowing authority available to the following funds, and in accord with the law, and to make such contracts and commitments without regard to fiscal year limitations as provided by section 104 of the Government Corporation Control Act, as amended, as may be necessary in carrying out the programs set forth in the budget for the current fiscal year and the period July 1, 1976, through September 30, 1976, for the "Disaster loan fund", the "Business loan and investment fund", the "Lease guarantees revolving fund" and the "Surety bond guarantees revolving fund". 31 USC 849.

BUSINESS LOAN AND INVESTMENT FUND

For additional capital for the "Business loan and investment fund", authorized by the Small Business Act, as amended, $278,750,000, to remain available without fiscal year limitation, of which $109,500,000 is for the direct business loan program authorized by section 7(a) of said Act and $10,000,000 is for the direct loan program authorized by section 7(h) of said Act.

15 USC 631 note.

15 USC 636.

DISASTER LOAN FUND

For additional capital for the "Disaster loan fund", authorized by the Small Business Act, as amended, $100,000,000, to remain available without fiscal year limitation, for the non-physical disaster loan program.

15 USC 633.

SURETY BOND GUARANTEES REVOLVING FUND

For additional capital for the "Surety Bond Guarantees Revolving Fund", authorized by the Small Business Investment Act, as amended, $10,000,000 to remain available without fiscal year limitation.

15 USC 694c.

For "Surety bond guarantees revolving fund" for the period July 1, 1976, through September 30, 1976, $2,500,000, to remain available without fiscal year limitation.

UNITED STATES INFORMATION AGENCY

SALARIES AND EXPENSES

For expenses necessary to enable the United States Information Agency, as authorized by Reorganization Plan No. 8 of 1953, the Mutual Educational and Cultural Exchange Act (22 U.S.C. 2451 et seq.), and the United States Information and Educational Exchange Act, as amended (22 U.S.C. 1431 et seq.), to carry out international information activities, including employment, without regard to the civil service and classification laws, of persons on a temporary basis (not to exceed $20,000), and aliens within the United States; salaries, expenses, and allowances of personnel and dependents as authorized by the Foreign Service Act of 1946, as amended (22 U.S.C. 801-1158); entertainment within the United States not to exceed $1,500; purchase for use abroad of (not to exceed 130, of which 60 are for replacement only), and hire of passenger motor vehicles; services as authorized by 5 U.S.C. 3109; advance of funds notwithstanding section 3648 of the Revised Statutes, as amended (31 U.S.C. 529); dues for library membership in organizations which issue publications to members only, or to members at a price lower than to others; purchase of uniforms for not to exceed thirteen guards; radio activities and acquisition and production of motion pictures and visual materials and purchase or rental of technical equipment and facilities therefor, narration, script-writing, translation, and engineering services, by contract or otherwise; and purchase of objects for presentation to foreign governments, schools, or organizations; $246,200,000: *Provided*, That not to exceed $200,000 may be used for representation abroad: *Provided further*, That passenger motor vehicles used abroad exclusively for the purposes of this appropriation may be exchanged or sold pursuant to section 201(c) of the Act of June 30, 1949 (40 U.S.C. 481(c)), and the exchange allowances or proceeds of such sales shall be available for replacement of an equal number of such vehicles and the cost, including the exchange allowance of each such replacement, shall not exceed such

22 USC 1461 note.

amounts as may be otherwise provided by law (except that right-hand drive vehicles may be purchased without regard to any maximum price limitation otherwise established by law): *Provided further*, That, notwithstanding the provisions of section 3679 of the Revised Statutes, as amended (31 U.S.C. 665), the United States Information Agency is authorized, in making contracts for the use of international shortwave radio stations and facilities, to agree on behalf of the United States to indemnify the owners and operators of said radio stations and facilities from such funds as may be hereafter appropriated for the purpose against loss or damage on account of injury to persons or property arising from such use of said radio stations and facilities. 22 USC 1461b.

For "Salaries and expenses" for the period July 1, 1976, through September 30, 1976, including not to exceed $375 for entertainment within the United States and not to exceed $50,000 for representation abroad, $67,500,000.

SALARIES AND EXPENSES (SPECIAL FOREIGN CURRENCY PROGRAM)

For payments in foreign currencies which the Treasury Department determines to be excess to the normal requirements of the United States, for necessary expenses of the United States Information Agency, as authorized by law, $10,708,000, to remain available until expended.

For "Salaries and expenses (special foreign currency program)" for the period July 1, 1976, through September 30, 1976, $3,225,000.

SPECIAL INTERNATIONAL EXHIBITIONS

For expenses necessary to carry out the functions of the United States Information Agency under section 102(a)(3) of the Mutual Educational and Cultural Exchange Act of 1961 (22 U.S.C. 2451 et seq.), $6,187,000, to remain available until expended: *Provided*, That not to exceed a total of $6,500 may be expended for representation.

For "Special international exhibitions" for the period July 1, 1976, through September 30, 1976, including not to exceed $1,625 for representation, $2,004,000.

ACQUISITION AND CONSTRUCTION OF RADIO FACILITIES

For an additional amount for the purchase, rent, construction, and improvement of facilities for radio transmission and reception, purchase and installation of necessary equipment for radio transmission and reception, without regard to the provisions of the Act of June 30, 1932 (40 U.S.C. 278a), and acquisition of land and interests in land by purchase, lease, rental, or otherwise, $10,135,000, to remain available until expended: *Provided*, That this appropriation shall be available for acquisition of land outside the continental United States without regard to section 355 of the Revised Statutes (40 U.S.C. 255) and title to any land so acquired shall be approved by the Director of the United States Information Agency.

For "Acquisition and construction of radio facilities" for the period July 1, 1976, through September 30, 1976, $260,000.

TITLE VI—GENERAL PROVISIONS

Publicity or propaganda.

SEC. 601. No part of any appropriation contained in this Act shall be used for publicity or propaganda purposes not authorized by the Congress.

Foreign currency funded programs.

SEC. 602. No part of any appropriation contained in this Act shall be used to administer any program which is funded in whole or in part from foreign currencies or credits for which a specific dollar appropriation therefor has not been made.

Fiscal year limitation.

SEC. 603. No part of any appropriation contained in this Act shall remain available for obligation beyond the current fiscal year unless expressly so provided herein, except as provided in Section 204 of the Supplemental Appropriation Act, 1975 (P.L. 93-554).

88 Stat. 1771.

Convicted rioters, payment prohibitions.

SEC. 604. No part of the funds appropriated by this Act shall be used to pay the salary of any Federal employee who is finally convicted in any Federal, State, or local court of competent jurisdiction, of inciting, promoting, or carrying on a riot resulting in material damage to property or injury to persons, found to be in violation of Federal, State, or local laws designed to protect persons or property in the community concerned.

Funds to campus disrupters, prohibitions.

SEC. 605. No part of the funds appropriated under this Act shall be used to provide a loan, guarantee of a loan, a grant, the salary of, or any remuneration whatever to any individual applying for admission, attending, employed by, teaching at or doing research at an institution of higher education who has engaged in conduct on or after August 1, 1969, which involves the use of (or the assistance to others in the use of) force or the threat of force or the seizure of property under the control of an institution of higher education, to require or prevent the availability of certain curriculum, or to prevent the faculty, administrative officials or students in such institution from engaging in their duties or pursuing their studies at such institution.

Standard level user charges, limitation.

SEC. 606. No part of any appropriation contained in this Act shall be available for paying to the Administrator of the General Services Administration in excess of 90 per centum of the standard level user charge established pursuant to section 210(j) of the Federal Property and Administrative Services Act of 1949, as amended, for space and services.

40 USC 490.

Short title.

This Act may be cited as the "Departments of State, Justice, and Commerce, the Judiciary, and Related Agencies Appropriation Act, 1976".

Approved October 21, 1975.

LEGISLATIVE HISTORY:

HOUSE REPORTS: No. 94-318 (Comm. on Appropriations) and Nos. 94-495 and 94-527 (Comm. of Conference).

SENATE REPORT No. 94-328 (Comm. on Appropriations).

CONGRESSIONAL RECORD, Vol. 121 (1975):

June 26, Sept. 24, Oct. 7, considered and passed House.

Sept. 3, 26, Oct. 8, considered and passed Senate.

Public Law 94-122
94th Congress

An Act

Making appropriations for Agriculture and Related Agencies programs for the fiscal year ending June 30, 1976, and the period ending September 30, 1976, and for other purposes.

Oct. 21, 1975
[H.R. 8561]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the following sums are appropriated, out of any money in the Treasury not otherwise appropriated, for Agriculture and Related Agencies programs for the fiscal year ending June 30, 1976, and the period ending September 30, 1976, and for other purposes; namely:

Agriculture and Related Agencies Appropriation Act, 1976.

TITLE I—AGRICULTURAL PROGRAMS

Production, Processing and Marketing

OFFICE OF THE SECRETARY

For necessary expenses of the Office of the Secretary of Agriculture, including not to exceed $5,000 for employment under 5 U.S.C. 3109, $2,747,000: *Provided*, That this appropriation shall be reimbursed from applicable appropriations in this Act for travel expenses incident to the holding of hearings as required by 5 U.S.C. 551–558: *Provided further*, That not to exceed $4,000 of this amount shall be available for official reception and representation expenses, not otherwise provided for, as determined by the Secretary.

For "Office of the Secretary" for the period July 1, 1976, through September 30, 1976, including not to exceed $1,250 for employment under 5 U.S.C. 3109, $686,000: *Provided*, That this appropriation shall be reimbursed from applicable appropriations in this Act for travel expenses incident to the holding of hearings as required by 5 U.S.C. 551–558: *Provided further*, That not to exceed $1,000 of this amount shall be available for official reception and representation expenses, not otherwise provided for, as determined by the Secretary.

DEPARTMENTAL ADMINISTRATION

For necessary expenses for "Departmental Administration", including the dissemination of agricultural information and the coordination of informational work and programs authorized by Congress in the Department, management support services to selected agencies and offices of the Department of Agriculture, and for general administration of the Department of Agriculture, repairs and alterations, and other miscellaneous supplies and expenses not otherwise provided for and necessary for the practical and efficient work of the Department of Agriculture, and not to exceed $35,000 for employment under 5 U.S.C. 3109, $15,629,000, of which $4,367,000 shall be available for the Office of Communication and, of which total appropriation not to exceed $1,071,000 may be used for farmers' bulletins, which hereafter shall be adapted to the interests of the people of the different sections of the country, an equal proportion of four-fifths of which shall be available to be delivered to or sent out under the addressed franks fur-

nished by the Senators, Representatives, and Delegates in Congress, as they shall direct (7 U.S.C. 417), and not less than two hundred thirty-two thousand two hundred and fifty copies for the use of the Senate and House of Representatives of part 2 of the annual report of the Secretary (known as the Yearbook of Agriculture) as authorized by 44 U.S.C. 1301: *Provided*, That in the preparation of motion pictures or exhibits by the Department, this appropriation shall be available for employment pursuant to the second sentence of section 706(a) of the Organic Act of 1944 (7 U.S.C. 2225).

For "Departmental Administration" for the period July 1, 1976, through September 30, 1976, including not to exceed $8,750 for employment under 5 U.S.C. 3109, $3,907,000, of which $1,091,000 shall be available for the Office of Communication and, of which total appropriation not to exceed $268,000 may be used for farmers' bulletins, which hereafter shall be adapted to the interests of the people of the different sections of the country, an equal proportion of four-fifths of which shall be available to be delivered to or sent out under the addressed franks furnished by the Senators, Representatives, and Delegates in Congress, as they shall direct (7 U.S.C. 417): *Provided*, That in the preparation of motion pictures or exhibits by the Department, this appropriation shall be available for employment pursuant to the second sentence of section 706(a) of the Organic Act of 1944 (7 U.S.C. 2225).

OFFICE OF THE INSPECTOR GENERAL

For necessary expenses of the Office of the Inspector General, including employment pursuant to the second sentence of section 706(a) of the Organic Act of 1944 (7 U.S.C. 2225), and not to exceed $10,000, for employment under 5 U.S.C. 3109, $16,455,000 and in addition, $6,094,000 shall be derived by transfer from the appropriation, "Food Stamp Program" and merged with this appropriation.

For "Office of the Inspector General" for the period July 1, 1976, through September 30, 1976, including not to exceed $2,500, for employment under 5 U.S.C. 3109, $4,114,000, and in addition $1,524,000 shall be derived by transfer from the appropriation, "Food Stamp Program" and merged with this appropriation.

OFFICE OF THE GENERAL COUNSEL

For necessary expenses, including payment of fees or dues for the use of law libraries by attorneys in the field service, $8,247,000.

For "Office of the General Counsel" for the period July 1, 1976, through September 30, 1976, $2,062,000.

AGRICULTURAL RESEARCH SERVICE

For expenses necessary to enable the Agricultural Research Service to perform agricultural research and demonstrations relating to production, utilization, marketing, and distribution (not otherwise provided for), home economics or nutrition and consumer use, and for acquisition of lands by donation, exchange, or purchase at a nominal cost not to exceed $100; $255,675,000: *Provided*, That appropriations hereunder shall be available for field employment pursuant to the second sentence of section 706(a) of the Organic Act of 1944 (7 U.S.C. 2225), and not to exceed $75,000 shall be available for employment under 5 U.S.C. 3109: *Provided further*, That appropriations hereunder shall be available for the operation and maintenance of aircraft

7 USC 2254.

and the purchase of not to exceed one for replacement only and for the acquisition without cost of not to exceed one to be obtained by transfer: *Provided further*, That of the appropriations hereunder, not less than $10,526,600 shall be available to conduct marketing research: *Provided further*, That appropriations hereunder shall be available pursuant to 7 U.S.C. 2250, for the construction, alteration, and repair of buildings and improvements, but unless otherwise provided, the cost of constructing any one building (except headhouses connecting greenhouses) shall not exceed $50,000, except for six buildings to be constructed or improved at a cost not to exceed $100,000 each, and the cost of altering any one building during the fiscal year shall not exceed $18,000, or 18.6 per centum of the cost of the building, whichever is greater: *Provided further*, That the limitations on alterations contained in this Act shall not apply to a total of $100,000 for facilities at Beltsville, Maryland: *Provided further*, That $10,395,000 of this appropriation shall remain available until expended for plans, construction and improvement of facilities without regard to the foregoing limitations: *Provided further*, That the foregoing limitations shall not apply to replacement of buildings needed to carry out the Act of April 24, 1948 (21 U.S.C. 113a). 7 USC 2254.

Special fund: To provide for additional labor, subprofessional, and junior scientific help to be employed under contracts and cooperative agreements to strengthen the work at research installations in the field, not more than $2,000,000 of the amount appropriated under this head for the previous fiscal year may be used by the Administrator of the Agricultural Research Service in departmental research programs in the current fiscal year, the amount so used to be transferred to and merged with the appropriation otherwise available under "Agricultural Research Service". Special fund.

For "Agricultural Research Service" for the period July 1, 1976, through September 30, 1976, $62,006,000: *Provided*, That appropriations hereunder shall be available for field employment pursuant to the second sentence of section 706(a) of the Organic Act of 1944 (7 U.S.C. 2225), and not to exceed $18,000 shall be available for employment under 5 U.S.C. 3109: *Provided further*, That appropriations hereunder shall be available for the operation and maintenance of aircraft: *Provided further*, That of the appropriations hereunder, not less than $2,631,000 shall be available to conduct marketing research: *Provided further*, That appropriations hereunder shall be available pursuant to 7 U.S.C. 2250, for the construction, alteration, and repair of buildings and improvements, but unless otherwise provided, the cost of constructing any one building (except headhouses connecting greenhouses) shall not exceed $50,000, except for one building to be constructed or improved at a cost not to exceed $100,000, and the cost of altering any one building during the year shall not exceed $18,000 or 18.6 per centum of the cost of the building, whichever is greater: *Provided further*, That the limitations on alterations contained in this Act shall not apply to a total of $25,000 for facilities at Beltsville, Maryland: *Provided further*, That the foregoing limitations shall not apply to replacement of buildings needed to carry out the Act of April 24, 1948 (21 U.S.C. 113a). 7 USC 2254. 7 USC 2254.

SCIENTIFIC ACTIVITIES OVERSEAS (SPECIAL FOREIGN CURRENCY PROGRAM)

For payments in foreign currencies owed to or owned by the United States for market development research authorized by section 104 (b)(1) and for agricultural and forestry research and other functions related thereto authorized by section 104(b)(3) of the Agricultural

Trade Development and Assistance Act of 1954, as amended (7 U.S.C. 1704(b) (1), (3)), $7,500,000: *Provided*, That this appropriation shall be available, in addition to other appropriations for these purposes, for payments in the foregoing currencies: *Provided further*, That funds appropriated herein shall be used for payments in such foreign currencies as the Department determines are needed and can be used most effectively to carry out the purposes of this paragraph: *Provided further*, That not to exceed $25,000 of this appropriation shall be available for payments in foreign currencies for expenses of employment pursuant to the second sentence of section 706(a) of the Organic Act of 1944 (7 U.S.C. 2225), as amended by 5 U.S.C. 3109.

For "Scientific Activities Overseas (special foreign currency program)," for the period July 1, 1976, through September 30, 1976, $1,850,000: *Provided*, That this appropriation shall be available, in addition to other appropriations for these purposes, for payments in the foregoing currencies: *Provided further*, That funds appropriated herein shall be used for payments in such foreign currencies as the Department determines are needed and can be used most effectively to carry out the purposes of this paragraph: *Provided further*, That not to exceed $6,000 of this appropriation shall be available for payments in foreign currencies for expenses of employment pursuant to the second sentence of section 706(a) of the Organic Act of 1944 (7 U.S.C. 2225), as amended by 5 U.S.C. 3109.

ANIMAL AND PLANT HEALTH INSPECTION SERVICE

For expenses, not otherwise provided for, including those pursuant to the Act of February 28, 1947, as amended (21 U.S.C. 114b–c) necessary to prevent, control, and eradicate pests and plant and animal diseases; to carry out inspection, quarantine, and regulatory activities; to carry on services related to consumer protection; and to protect the environment, as authorized by law, $361,075,000, of which $2,500,000 shall be apportioned for use pursuant to section 3679 of the Revised
31 USC 665. Statutes, as amended, for the control of outbreaks of insects, plant diseases and animal diseases to the extent necessary to meet emergency conditions and $2,550,000 shall be for repayment to the Commodity Credit Corporation of advances (and interest thereon) made in accordance with authorities contained in the provisions of the appropriation items for the Animal and Plant Health Inspection Service in the Agriculture-Environmental and Consumer Protection Appropri-
87 Stat. 471. ation Act, 1974: *Provided*, That $1,000,000 of the funds for control of the fire ant shall be placed in reserve for matching purposes with States which may come into the program: *Provided further*, That no funds shall be used to formulate or administer a brucellosis eradication program for the current fiscal year that does not require minimum matching by any State of at least 40 per centum: *Provided further*, That this appropriation shall be available for field employment pursuant to the second sentence of section 706(a) of the Organic Act of 1944 (7 U.S.C. 2225), and not to exceed $60,000 shall be available for employment under 5 U.S.C. 3109: *Provided further*, That this appropriation shall be available for the operation and maintenance of aircraft and the purchase of not to exceed four, of which two shall be for replacement only: *Provided further*, That this appropriation shall be available pursuant to 7 U.S.C. 2250 for the construction, alteration, and repair of buildings and improvements, but unless otherwise provided, the cost of constructing any one building (except headhouses connecting greenhouses) shall not exceed $40,000, except for one building to be constructed or improved at a cost of not to exceed $80,000,

and the cost of altering any one building during the fiscal year shall not exceed $15,000, or 15 per centum of the cost of the building, whichever is greater: *Provided further*, That this appropriation shall be available for acquisition of lands by donation, exchange, or purchase at a nominal cost not to exceed $100: *Provided further*, That, in addition, in emergencies which threaten the livestock or poultry industries of the country, the Secretary may transfer from other appropriations or funds available to the agencies or corporations of the Department such sums as he may deem necessary, to be available only in such emergencies for the arrest and eradication of foot-and-mouth disease, rinderpest, contagious pleuropneumonia, or other contagious or infectious diseases of animals, or European fowl pest and similar diseases in poultry, and for expenses in accordance with the Act of February 28, 1947, as amended, and any unexpended balances of funds transferred for such emergency purposes in the next preceding fiscal year shall be merged with such transferred amounts.

21 USC 129.

21 USC 114b.

For "Animal and Plant Health Inspection Service" for the period July 1, 1976, through September 30, 1976, $99,390,000 of which $1,000,000 shall be apportioned for use pursuant to section 3679 of the Revised Statutes, as amended, for the control of outbreaks of insects, plant diseases and animal diseases to the extent necessary to meet emergency conditions: *Provided*, That no funds shall be used to formulate or administer a brucellosis eradication program for this period that does not require minimum matching by any State of at least 40 per centum: *Provided further*, That this appropriation shall be available for field employment pursuant to the second sentence of section 706(a) of the Organic Act of 1944 (7 U.S.C. 2225), and not to exceed $15,000 shall be available for employment under 5 U.S.C. 3109: *Provided further*, That this appropriation shall be available for the operation and maintenance of aircraft: *Provided further*, That this appropriation shall be available pursuant to 7 U.S.C. 2250 for the construction, alteration, and repair of buildings and improvements, but unless otherwise provided, the cost of constructing any one building (except headhouses connecting greenhouses) shall not exceed $40,000, and the cost of altering any one building during this period shall not exceed $15,000, or 15 per centum of the cost of the building, whichever is greater: *Provided further*, That this appropriation shall be available for acquisition of lands, by donation, exchange, or purchase at a nominal cost not to exceed $100: *Provided further*, That, in addition, in emergencies which threaten the livestock or poultry industries of the country, the Secretary may transfer from other appropriations or funds available to the agencies or corporations of the Department such sums as he may deem necessary, to be available only in such emergencies for the arrest and eradication of foot-and-mouth disease, rinderpest, contagious pleuropneumonia, or other contagious or infectious diseases of animals, or European fowl pests and similar diseases in poultry, and for expenses in accordance with the Act of February 28, 1947, as amended, and any unexpended balances of funds transferred for such emergency purposes in the next preceding fiscal year shall be merged with such transferred amounts.

31 USC 665.

21 USC 129.

COOPERATIVE STATE RESEARCH SERVICE

For payments to agricultural experiment stations, for grants for cooperative forestry and other research, for facilities, and for other expenses, including $84,934,000 to carry into effect the provisions of the Hatch Act, approved March 2, 1887, as amended by the Act approved August 11, 1955 (7 U.S.C. 361a–361i), and further amended

20 USC 1001 note.
D.C. Code 31-1701 note.
7 USC 361f.

by Public Law 92-318 approved June 23, 1972, and further amended by Public Law 93-471 approved October 26, 1974, including administration by the United States Department of Agriculture, and penalty mail costs of agricultural experiment stations under section 6 of the Hatch Act of 1887, as amended; $7,462,000 for grants for cooperative forestry research under the Act approved October 10, 1962 (16 U.S.C. 582a—582a-7), as amended by Public Law 92-318 approved June 23, 1972; $19,546,000, in addition to funds otherwise available for contracts and grants for scientific research under the Act of August 4, 1965 (7 U.S.C. 450i); $1,500,000 for Rural Development Research as authorized under the Rural Development Act of 1972 (7 U.S.C. 2661-2668), including administrative expenses; and $1,018,000 for necessary expenses of the Cooperative State Research Service, including administration of payments to State agricultural experiment stations, funds for employment pursuant to the second sentence of section 706(a) of the Organic Act of 1944 (7 U.S.C. 2225), and not to exceed $50,000 for employment under 5 U.S.C. 3109; in all $114,460,000.

For "Cooperative State Research Service" for the period July 1, 1976, through September 30, 1976, for payments to agricultural experiment stations, for grants for cooperative forestry and other research, for facilities, and for other expenses, including $21,233,500 to carry into effect the provisions of the Hatch Act, approved March 2, 1887, as amended by the Act approved August 11, 1955 (7 U.S.C. 361a-361i), and further amended by Public Law 92-318 approved June 23, 1972, and further amended by Public Law 93-471 approved October 26, 1974, including administration by the United States Department of Agriculture, and penalty mail costs of agricultural experiment stations under section 6 of the Hatch Act of 1887, as amended; $1,866,000 for grants for cooperative forestry research under the Act approved October 10, 1962 (16 U.S.C. 582a—582a-7), as amended by Public Law 92-318 approved June 23, 1972; $4,886,000, in addition to funds otherwise available for contracts and grants for scientific research under the Act of August 4, 1965 (7 U.S.C. 450i); $375,000 for Rural Development Research as authorized under the Rural Development Act of 1972 (7 U.S.C. 2661-2668), including administrative expenses; and $254,500 for necessary expenses of the Cooperative State Research Service, including administration of payments to State agricultural experiment stations, funds for employment pursuant to the second sentence of section 706(a) of the Organic Act of 1944 (7 U.S.C. 2225), and not to exceed $12,500 for employment under 5 U.S.C. 3109; in all $28,615,000.

EXTENSION SERVICE

Payments to States, Puerto Rico, Guam, and the Virgin Islands: For payments for cooperative agricultural extension work under the Smith-Lever Act, as amended by the Act of June 26, 1953, the Act of August 11, 1955, the Act of October 5, 1962 (7 U.S.C. 341-349), and
7 USC 343.
section 506 of the Act of June 23, 1972, to be distributed under sections 3(b) and 3(c) of the Act, for retirement and employees' compensation costs for extension agents, and for costs of penalty mail for cooperative extension agents and State extension directors, $157,757,000; payments for the nutrition and family education program for low-income areas under section 3(d) of the Act, $50,560,000; payments for extension work by the colleges receiving the benefits of the second Morrill Act (7 U.S.C. 321-326, 328) and Tuskegee Institute under section 3(d) of the Act, $7,823,000; payments for rural development work under section 3(d) of the Act, $1,000,000; payments for the pest management program under section 3(d) of the Act, $2,935,000; payments for the

farm safety program under section 3(d) of the Act, $1,020,000; and payments for extension work under section 208(c) of Public Law 93-471, $910,000; and $1,500,000 for Rural Development Education as authorized under the Rural Development Act of 1972 (7 U.S.C. 2661-2668); in all, $223,505,000: *Provided*, That funds hereby appropriated pursuant to section 3(c) of the Act of June 26, 1953, and section 506 of the Act of June 23, 1972, shall not be paid to any State, Puerto Rico, Guam, or the Virgin Islands prior to availability of an equal sum from non-Federal sources for expenditure during the current fiscal year.

7 USC 343.

D.C. Code 31-1718.

7 USC 343.
86 Stat. 350.

Federal administration and coordination: For administration of the Smith-Lever Act, as amended by the Act of June 26, 1953, the Act of August 11, 1955, the Act of October 5, 1962 (7 U.S.C. 341-349), and section 506 of the Act of June 23, 1972, and section 208(d) of Public Law 93-471, and to coordinate and provide program leadership for the extension work of the Department and the several States and insular possessions, $5,430,000.

For "Extension Service" for the period July 1, 1976, through September 30, 1976: Payments to States, Puerto Rico, Guam, and the Virgin Islands: For payments for cooperative agricultural extension work under the Smith-Lever Act, as amended by the Act of June 26, 1953, the Act of August 11, 1955, the Act of October 5, 1962 (7 U.S.C. 341-349), and section 506 of the Act of June 23, 1972, to be distributed under sections 3(b) and 3(c) of the Act, for retirement and employees' compensation costs for extension agents, and for costs of penalty mail for cooperative extension agents and State extension directors, $39,658,000; payments for the nutrition and family education program for low-income areas under section 3(d) of the Act, $12,640,000; payments for extension work by the colleges receiving the benefits of the second Morrill Act (7 U.S.C. 321-326, 328) and Tuskegee Institute under section 3(d) of the Act, $1,956,000; payments for rural development work under section 3(d) of the Act, $250,000; payments for the pest management program under section 3(d) of the Act, $734,000; payments for the farm safety program under section 3(d) of the Act, $255,000; and payments for extension work under section 208(c) of Public Law 93-471, $227,000; and $375,000 for Rural Development Education as authorized under the Rural Development Act of 1972 (7 U.S.C. 2661-2668); in all, $56,095,000: *Provided*, That funds hereby appropriated pursuant to section 3(c) of the Act of June 26, 1953, and section 506 of the Act of June 23, 1972, shall not be paid to any State, Puerto Rico, Guam, or the Virgin Islands prior to availability of an equal sum from non-Federal sources for expenditure during this period.

Federal administration and coordination: For administration of the Smith-Lever Act, as amended by the Act of June 26, 1953, the Act of August 11, 1955, the Act of October 5, 1962 (7 U.S.C. 341-349), and section 506 of the Act of June 23, 1972, and section 208(d) of Public Law 93-471, and to coordinate and provide program leadership for the extension work of the Department and the several States and insular possessions, $1,358,000.

NATIONAL AGRICULTURAL LIBRARY

For necessary expenses of the National Agricultural Library, $5,421,000: *Provided*, That this appropriation shall be available for employment pursuant to the second sentence of section 706(a) of the Organic Act of 1944 (7 U.S.C. 2225), and not to exceed $35,000 shall be available for employment under 5 U.S.C. 3109: *Provided further*,

That not to exceed $100,000 shall be available pursuant to 7 U.S.C. 2250 for the alteration and repair of buildings and improvements.

For "National Agricultural Library" for the period July 1, 1976, through September 30, 1976, $1,356,000: *Provided*, That this appropriation shall be available for employment pursuant to the second sentence of section 706(a) of the Organic Act of 1944 (7 U.S.C. 2225), and not to exceed $8,000 shall be available for employment under 5 U.S.C. 3109: *Provided further*, That not to exceed $25,000 shall be available pursuant to 7 U.S.C. 2250 for the alteration and repair of buildings and improvements.

STATISTICAL REPORTING SERVICE

For necessary expenses of the Statistical Reporting Service in conducting statistical reporting and service work, including crop and livestock estimates, statistical coordination and improvements, and marketing surveys, as authorized by the Agricultural Marketing Act of 1946 (7 U.S.C. 1621–1627) and other laws, $30,043,000: *Provided*, That no part of the funds herein appropriated shall be available for any expense incident to publishing estimates of apple production for other than the commercial crop: *Provided further*, That this appropriation shall be available for employment pursuant to the second sentence of section 706(a) of the Organic Act of 1944 (7 U.S.C. 2225), and not to exceed $40,000 shall be available for employment under 5 U.S.C. 3109.

7 USC 411b.

For "Statistical Reporting Service" for the period July 1, 1976, through September 30, 1976, $7,509,000: *Provided*, That no part of the funds herein appropriated shall be available for any expense incident to publishing estimates of apple production for other than the commercial crop: *Provided further*, That this appropriation shall be available for employment pursuant to the second sentence of section 706(a) of the Organic Act of 1944 (7 U.S.C. 2225), and not to exceed $10,000 shall be available for employment under 5 U.S.C. 3109.

7 USC 411b.

ECONOMIC RESEARCH SERVICE

For necessary expenses of the Economic Research Service in conducting economic research and service relating to agricultural production, marketing, and distribution, as authorized by the Agricultural Marketing Act of 1946 (7 U.S.C. 1621–1627), and other laws, including economics of marketing; analyses relating to farm prices, income and population, and demand for farm products, use of resources in agriculture, adjustments, cost and returns in farming, and farm finance; and for analyses of supply and demand for farm products in foreign countries and their effect on prospects for United States exports, progress in economic development and its relation to sales of farm products, assembly and analysis of agricultural trade statistics and analysis of international financial and monetary programs and policies as they affect the competitive position of United States farm products; $24,897,000, of which not less than $200,000 shall be available for investigation, determination and finding as to the effect upon the production of food and upon the agricultural economy of any proposed action affecting such subject matter pending before the Administrator of the Environmental Protection Agency for presentation, in the public interest, before said administrator, other agencies or before the courts: *Provided*, That not less than $350,000 of the funds contained in this appropriation shall be available to continue to gather statistics and

conduct a special study on the price spread between the farmer and consumer: *Provided further*, That this appropriation shall be available for employment pursuant to the second sentence of section 706(a) of the Organic Act of 1944 (7 U.S.C. 2225), and not to exceed $75,000 shall be available for employment under 5 U.S.C. 3109: *Provided further*, That not less than $145,000 of the funds contained in this appropriation shall be available for analysis of statistics and related facts on foreign production and full and complete information on methods used by other countries to move farm commodities in world trade on a competitive basis.

For "Economic Research Service" for the period July 1, 1976, through September 30, 1976, $6,224,000, of which not less than $50,000 shall be available for investigation, determination and finding as to the effect upon the production of food and upon the agricultural economy of any proposed action affecting such subject matter pending before the Administrator of the Environmental Protection Agency for presentation, in the public interest, before said administrator, other agencies or before the courts: *Provided*, That not less than $88,000 of the funds contained in this appropriation shall be available to continue to gather statistics and conduct a special study on the price spread between the farmer and consumer: *Provided further*, That this appropriation shall be available for employment pursuant to the second sentence of section 706(a) of the Organic Act of 1944 (7 U.S.C. 2225), and not to exceed $20,000 shall be available for employment under 5 U.S.C. 3109: *Provided further*, That not less than $36,000 of the funds contained in this appropriation shall be available for analysis of statistics and related facts on foreign production and full and complete information on methods used by other countries to move farm commodities in world trade on a competitive basis.

AGRICULTURAL MARKETING SERVICE

MARKETING SERVICES

For expenses necessary to carry on services related to consumer protection, agricultural marketing and distribution, and regulatory programs, other than Packers and Stockyards Act, as authorized by law, and for administration and coordination of payments to States; including field employment pursuant to section 706(a) of the Organic Act of 1944 (7 U.S.C. 2225), and not to exceed $45,000 for employment under 5 U.S.C. 3109; $47,055,000: *Provided*, That this appropriation shall be available pursuant to law (7 U.S.C. 2250) for the alteration and repair of buildings and improvements, but unless otherwise provided, the cost of altering any one building during the fiscal year shall not exceed $7,500 or 7.5 per centum of the cost of the building, whichever is greater.

For "Marketing Services" for the period July 1, 1976, through September 30, 1976, and for administration and coordination of payments to States; including field employment pursuant to section 706(a) of the Organic Act of 1944 (7 U.S.C. 2225), and not to exceed $12,000 for employment under 5 U.S.C. 3109; $12,892,000: *Provided*, That this appropriation shall be available pursuant to law (7 U.S.C. 2250) for the alteration and repair of buildings and improvements, but unless otherwise provided, the cost of altering any one building shall not exceed $7,500 or 7.5 per centum of the cost of the building, whichever is greater.

PAYMENTS TO STATES AND POSSESSIONS

For payments to departments of agriculture, bureaus and departments of markets, and similar agencies for marketing activities under section 204(b) of the Agricultural Marketing Act of 1946 (7 U.S.C. 1623(b)), $1,600,000.

For "Payments to States and Possessions" for the period July 1, 1976, through September 30, 1976; $400,000.

FUNDS FOR STRENGTHENING MARKETS, INCOME, AND SUPPLY (SECTION 32)

Funds available under section 32 of the Act of August 24, 1935 (7 U.S.C. 612c) shall be used only for commodity program expenses as authorized therein, and other related operating expenses, except for (1) transfers to the Department of Commerce as authorized by the Fish and Wildlife Act of August 8, 1956; (2) transfers otherwise provided in this Act; (3) not more than $4,096,000 for formulation and administration of marketing agreements and orders pursuant to the Agricultural Marketing Agreement Act of 1937, as amended, and the Agricultural Act of 1961; and (4) in addition to other amounts provided in this Act, not more than $750,000 for additional direct distribution or other programs, without regard to whether such area is under the food stamp program or a system of direct distribution, to provide, in the immediate vicinity of their place of permanent residence, either directly or through a State or local welfare agency, an adequate diet to needy children and low-income persons determined by the Secretary of Agriculture to be suffering, through no fault of their own, from general and continued hunger resulting from insufficient food.

16 USC 742a note.

7 USC 674 note.
7 USC 1911 note.

For "Funds for Strengthening Markets, Income, and Supply (section 32)" for the period July 1, 1976, through September 30, 1976, $1,024,000 for formulation and administration of marketing agreements and orders pursuant to the Agricultural Marketing Agreement Act of 1937, as amended, and the Agricultural Act of 1961; and in addition to other amounts provided in this Act, not more than $188,000 for additional direct distribution or other programs, without regard to whether such area is under the food stamp program or a system of direct distribution, to provide, in the immediate vicinity of their place of permanent residence, either directly or through a State or local welfare agency, an adequate diet to needy children and low-income persons determined by the Secretary of Agriculture to be suffering, through no fault of their own, from general and continued hunger resulting from insufficient food.

PACKERS AND STOCKYARDS ADMINISTRATION

For expenses necessary for administration of the Packers and Stockyards Act, as authorized by law, including field employment pursuant to section 706(a) of the Organic Act of 1944 (7 U.S.C. 2225), and not to exceed $5,000 for employment under 5 U.S.C. 3109, $5,028,000.

7 USC 181.

For "Packers and Stockyards Administration" for the period July 1, 1976, through September 30, 1976, including field employment pursuant to section 706(a) of the Organic Act of 1944 (7 U.S.C. 2225), and not to exceed $2,000 for employment under 5 U.S.C. 3109, $1,271,000.

FARMER COOPERATIVE SERVICE

For necessary expenses to carry out the Act of July 2, 1926 (7 U.S.C. 451–457), and for conducting research relating to the economic and marketing aspects of farmer cooperatives, as authorized by the Agricultural Marketing Act of 1946 (7 U.S.C. 1621–1627), $2,482,000.

For "Farmer Cooperative Service" for the period July 1, 1976, through September 30, 1976, $620,000.

FARM INCOME STABILIZATION

AGRICULTURAL STABILIZATION AND CONSERVATION SERVICE

SALARIES AND EXPENSES

For necessary administrative expenses of the Agricultural Stabilization and Conservation Service, including expenses to formulate and carry out programs authorized by title III of the Agricultural Adjustment Act of 1938, as amended (7 U.S.C. 1301–1393); Sugar Act of 1948, as amended (7 U.S.C. 1101–1161); sections 7 to 15, 16(a), 16(b), 16(d), 16(e), 16(f), 16(i), and 17 of the Soil Conservation and Domestic Allotment Act, as amended and supplemented (16 U.S.C. 590g–590q); sections 1001 to 1010 of the Agricultural Act of 1970 as added by the Agricultural and Consumer Protection Act of 1973 (16 U.S.C. 1501 to 1510); subtitles B and C of the Soil Bank Act (7. U.S.C. 1831–1837, 1802–1814, and 1816); the Water Bank Act (16 U.S.C. 1301–1311); and laws pertaining to the Commodity Credit Corporation, $151,181,000: *Provided*, That, in addition, not to exceed $72,571,000 may be transferred to and merged with this appropriation from the Commodity Credit Corporation fund (including not to exceed $32,453,000 under the limitation on Commodity Credit Corporation administrative expenses): *Provided further*, That other funds made available to the Agricultural Stabilization and Conservation Service for authorized activities may be advanced to and merged with this appropriation: *Provided further*, That this appropriation shall be available for employment pursuant to the second sentence of section 706(a) of the Organic Act of 1944 (7 U.S.C. 2225), and not to exceed $100,000 shall be available for employment under 5 U.S.C. 3109: *Provided further*, That no part of the funds appropriated or made available under this Act shall be used (1) to influence the vote in any referendum; (2) to influence agricultural legislation, except as permitted in 18 U.S.C. 1913; or (3) for salaries or other expenses of members of county and community committees established pursuant to section 8(b) of the Soil Conservation and Domestic Allotment Act, as amended, for engaging in any activities other than advisory and supervisory duties and delegated program functions prescribed in administrative regulations.

For "Salaries and Expenses" for the period July 1, 1976, through September 30, 1976: direct appropriation, $37,794,000; Commodity Credit Corporation transfers, $18,143,000 (including not to exceed $8,113,000 under the limitation on Commodity Credit Corporation administrative expenses).

DAIRY AND BEEKEEPER INDEMNITY PROGRAMS

For necessary expenses involved in making indemnity payments to dairy farmers for milk or cows producing such milk and manufac-

turers of dairy products who have been directed to remove their milk or dairy products from commercial markets because it contained residues of chemicals registered and approved for use by the Federal Government, and to beekeepers who through no fault of their own have suffered losses as a result of the use of economic poisons which had been registered and approved for use by the Federal Government, $6,650,000: *Provided*, That none of the funds contained in this Act shall be used to make indemnity payments to any farmer whose milk was removed from commercial markets as a result of his willful failure to follow procedures prescribed by the Federal Government.

For "Dairy and Beekeeper Indemnity Programs" for the period July 1, 1976, through September 30, 1976, $1,000,000.

CORPORATIONS

15 USC 713a-10.

The following corporations and agencies are hereby authorized to make such expenditures, within the limits of funds and borrowing authority available to each such corporation or agency and in accord with law, and to make such contracts and commitments without regard to fiscal year limitations as provided by section 104 of the Government Corporation Control Act, as amended, as may be necessary in carrying out the programs set forth in the budget for the current fiscal year, and for the period July 1, 1976, through September 30, 1976, for such corporation or agency, except as hereinafter provided:

31 USC 849.

Federal Crop Insurance Corporation

ADMINISTRATIVE AND OPERATING EXPENSES

For administrative and operating expenses, $11,940,000.

For "Administrative and Operating Expenses" for the period July 1, 1976, through September 30, 1976, $2,985,000.

FEDERAL CROP INSURANCE CORPORATION FUND

Not to exceed $6,764,000 of administrative and operating expenses may be paid from premium income.

For "Administrative and Operating Expenses" for the period July 1, 1976, through September 30, 1976, $1,691,000 may be paid from premium income.

Commodity Credit Corporation

REIMBURSEMENT FOR NET REALIZED LOSSES

To reimburse the Commodity Credit Corporation for net realized losses sustained in prior years, but not previously reimbursed, pursuant to the Act of August 17, 1961 (15 U.S.C. 713a-11, 713a-12), $2,750,000,000.

LIMITATION ON ADMINISTRATIVE EXPENSES

15 USC 713a-10.

Not to exceed $39,400,000 shall be available for administrative expenses of the Commodity Credit Corporation: *Provided*, That $1,000,000 and such other sums as are necessary of this authorization shall be available to support the position of Sales Manager who shall work to expand and strengthen sales of U.S. commodities in world markets (including those of the Corporation and those funded by Public Law 480) pursuant to existing authority (including that con-

7 USC 1691-1736e.

tained in the Corporation's charter and Public Law 480), and that such funds shall be used by such Sales Manager to form an agency to carry out the above activities. Such Sales Manager shall report directly to the Board of Directors of the Corporation of which the Secretary of Agriculture is a member. Such Sales Manager shall obtain, assimilate, analyze all available information on developments related to private sales, as well as those funded by the Corporation and Public Law 480, including grade and quality as sold and as delivered and shall submit quarterly reports to the appropriate committees of Congress concerning such developments: *Provided further*, That not less than 7 per centum of this authorization shall be placed in reserve to be apportioned pursuant to section 3679 of the Revised Statutes, as amended, for use only in such amounts and at such times as may become necessary to carry out program operations: *Provided further*, That all necessary expenses (including legal and special services performed on a contract or fee basis, but not including other personal services) in connection with the acquisition, operation, maintenance, improvement, or disposition of any real or personal property belonging to the Corporation or in which it has an interest, including expenses of collections of pledged collateral, shall be considered as nonadministrative expenses for the purposes hereof.

7 USC 1691-1736e.

31 USC 665.

For "Administrative Expenses" of the Commodity Credit Corporation for the period July 1, 1976, through September 30, 1976; not to exceed $9,850,000 shall be available including a contingency reserve of not less than 7 percent: *Provided*, That $250,000 and such other sums as are necessary of this authorization shall be available to support the position of Sales Manager who shall work to expand and strengthen sales of U.S. commodities in world markets (including those of the Corporation and those funded by Public Law 480) pursuant to existing authority (including that contained in the Corporation's charter and Public Law 480), and that such funds shall be used by such Sales Manager to form an agency to carry out the above activities. Such Sales Manager shall report directly to the Board of Directors of the Corporation of which the Secretary of Agriculture is a member. Such Sales Manager shall obtain, assimilate, analyze all available information on developments related to private sales, as well as those funded by the Corporation and Public Law 480, including grade and quantity as sold and as delivered and shall submit quarterly reports to the appropriate committees of Congress concerning such developments.

15 USC 713a-10.

TITLE II—RURAL DEVELOPMENT AND ASSISTANCE

Rural Development and Protection

Farmers Home Administration

RURAL HOUSING INSURANCE FUND

For direct loans and related advances pursuant to section 517(m) of the Housing Act of 1949, as amended, $20,000,000 shall be available from funds in the rural housing insurance fund, and for insured loans as authorized by title V of the Housing Act of 1949, as amended, $2,696,000,000 of which not less than $1,670,000,000 shall be available for subsidized interest loans to low-income borrowers as determined by the Secretary.

42 USC 1487.

42 USC 1471.

For an additional amount to reimburse the rural housing insurance fund for losses sustained in prior years, but not previously reimbursed, in carrying out the provisions of title V of the Housing Act of 1949,

as amended (42 U.S.C. 1483, 1487e, and 1490a(c)), including
42 USC 1490a. $86,042,000 as authorized by section 521(c) of the Act, $122,000,000, and such amounts as may be necessary to carry out a rental assistance program under section 521(a)(2) of the Housing Act of 1949, as amended.

For "Rural Housing Insurance Fund" for the period July 1, 1976, through September 30, 1976, for direct loans pursuant to section 517
42 USC 1487. (m) of the Housing Act of 1949, as amended, $5,000,000 shall be available from funds in the rural housing insurance fund and for insured loans as authorized by title V of the Housing Act of 1949, as amended, $674,250,000 of which not less than $417,500,000 shall be available for subsidized interest loans to low-income borrowers as determined by the Secretary and such amounts as may be necessary to reimburse the fund to carry out a rental assistance program under section 521(a)(2) of the Housing Act of 1949, as amended.

AGRICULTURAL CREDIT INSURANCE FUND

For an additional amount to reimburse the agricultural credit insurance fund for losses sustained in prior years, but not previously reimbursed, in carrying out the provisions of the Consolidated Farm and Rural Development Act, as amended (7 U.S.C. 1988(a)), $169,214,000.

Loans may be insured, or made to be sold and insured, under this Fund in accordance with and subject to the provisions of 7 U.S.C. 1928–1929, as follows: real estate loans, $520,000,000, including not less than $450,000,000 for farm ownership loans; and not less than $54.000,000 for water development, use, and conservation loans; operating loans, $625,000,000; and emergency loans in amounts necessary to meet the needs resulting from natural disasters.

For "Agricultural Credit Insurance Fund" for the period July 1, 1976, through September 30, 1976, loans may be insured or made to be sold and insured, under this fund in accordance with and subject to the provisions of 7 U.S.C. 1928–1929, as follows: real estate loans, $130,500,000, including not less than $112,500,000 for farm ownership loans; and not less than $13,500,000 for water development, use, and conservation loans; operating loans, $156,250,000; and emergency loans in amounts necessary to meet the needs resulting from natural disasters.

RURAL WATER AND WASTE DISPOSAL GRANTS

For grants pursuant to sections 306(a)(2) and 306(a)(6) of the Consolidated Farm and Rural Development Act, as amended (7 U.S.C. 1926), $100,000,000 to remain available until expended, pursuant to section 306(d) of the above Act.

For "Rural Water and Waste Disposal Grants" for the period July 1, 1976, through September 30, 1976, $37,500,000 to remain available until expended.

RURAL HOUSING FOR DOMESTIC FARM LABOR

For financial assistance to public nonprofit organizations for housing for domestic farm labor, pursuant to section 516 of the Housing Act of 1949, as amended (42 U.S.C. 1486), $7,500,000.

For "Rural Housing for Domestic Farm Labor" pursuant to section 516 of the Housing Act of 1949, as amended (42 U.S.C. 1486) for the period July 1, 1976, through September 30, 1976, $1,875,000.

MUTUAL AND SELF-HELP HOUSING

For grants pursuant to section 523(b)(1)(A) of the Housing Act of 1949 (42 U.S.C. 1490c), $9,000,000.

For "Mutual and Self-Help Housing" pursuant to section 523(b)(1)(A) of the Housing Act of 1949 (42 U.S.C. 1490c) for the period July 1, 1976, through September 30, 1976, $2,250,000.

RURAL DEVELOPMENT INSURANCE FUND

For an additional amount to reimburse the rural development insurance fund for losses sustained in prior years, but not previously reimbursed, in carrying out the provisions of the Consolidated Farm and Rural Development Act, as amended (7 U.S.C. 1988(a)), $25,214,000.

For loans to be insured, or made to be sold and insured, under this fund in accordance with and subject to the provisions of 7 U.S.C. 1928 and 86 Stat. 661–664, as follows: water and sewer facility loans, $470,000,000; industrial development loans, $350,000,000; and community facility loans, $200,000,000.

For "Rural Development Insurance Fund" for the period July 1, 1976, through September 30, 1976, for loans to be insured, or made to be sold and insured, under this fund in accordance with and subject to the provisions of 7 U.S.C. 1928 and 86 Stat. 661–664, as follows: water and sewer facility loans, $117,500,000; industrial development loans, $87,500,000; and community facility loans, $50,000,000.

RURAL COMMUNITY FIRE PROTECTION GRANTS

For grants pursuant to section 404 of the Rural Development Act of 1972, as amended (7 U.S.C. 2654), $3,500,000 to fund up to 50 per centum of the cost of organizing, training, and equipment for rural volunteer fire departments.

For "Rural Community Fire Protection Grants" pursuant to section 404 of the Rural Development Act of 1972, as amended (7 U.S.C. 2654), for the period July 1, 1976, through September 30, 1976, $875,000 to fund up to 50 per centum of the cost of organizing, training, and equipment for rural volunteer fire departments.

SALARIES AND EXPENSES

For necessary expenses of the Farmers Home Administration, not otherwise provided for, in administering the programs authorized by the Consolidated Farm and Rural Development Act (7 U.S.C. 1921–1992), as amended; title V of the Housing Act of 1949, as amended (42 U.S.C. 1471–1490g); the Rural Rehabilitation Corporation Trust Liquidation Act, approved May 3, 1950 (40 U.S.C. 440–444), for administering the loan program authorized by title IIIA of the Economic Opportunity Act of 1964 (Public Law 88–452, approved August 20, 1964), as amended, and such other programs for which Farmers Home Administration has the responsibility for administering, $155,102,000, together with not more than $3,000,000 of the charges collected in connection with the insurance of loans as authorized by section 309(e) of the Consolidated Farm and Rural Development Act, as amended, and sections 514(b)(3) and 517(i) of the Housing Act of 1949, as amended: *Provided*, That, in addition, not to exceed $500,000 of the funds available for the various programs administered by this agency may be transferred to this appropriation for temporary field employment pursuant to the second sentence of section 706(a) of the

42 USC 2841.

7 USC 1929.
42 USC 1484, 1487.

Organic Act of 1944 (7 U.S.C. 2225), to meet unusual or heavy workload increases: *Provided further*, That not to exceed $1,000,000 of this appropriation may be used for employment under 5 U.S.C. 3109: *Provided further*, That no part of any funds in this paragraph may be used to administer a program which makes rural housing grants pursuant to section 504 of the Housing Act of 1949, as amended.

42 USC 1474.

For "Salaries and Expenses" for the period July 1, 1976, through September 30, 1976, $40,791,000, together with not more than $750,000 of the charges collected in connection with the insurance of loans as authorized by section 309(e) of the Consolidated Farm and Rural Development Act, as amended, and section 514(b)(3) and 517(i) of the Housing Act of 1949, as amended, and, in addition, not to exceed $125,000 of the funds available for the various programs administered by this agency may be transferred to this appropriation for temporary field employment pursuant to the second sentence of section 706(a) of the Organic Act of 1944 (7 U.S.C. 2225), to meet unusual or heavy workload increases: *Provided*, That not to exceed $250,000 of this appropriation may be used for employment under 5 U.S.C. 3109: *Provided further*, That no part of any funds in this paragraph may be used to administer a program which makes rural housing grants pursuant to section 504 of the Housing Act of 1949, as amended.

7 USC 1929.
42 USC 1484, 1487.

RURAL DEVELOPMENT GRANTS

For grants pursuant to section 310B(c) of the Consolidated Farm and Rural Development Act, as amended (7 U.S.C. 1932), $11,875,000.

For "Rural Development Grants" for the period July 1, 1976, through September 30, 1976, $2,969,000.

RURAL DEVELOPMENT SERVICE

For necessary expenses, not otherwise provided for, of the Rural Development Service in providing leadership, coordination, and related services in carrying out the rural development activities of the Department of Agriculture and for carrying out the responsibilities of the Secretary of Agriculture under section 701 of the Housing Act of 1954, as amended (40 U.S.C. 461), $1,305,000: *Provided*, That this appropriation shall be available for employment pursuant to the second sentence of section 706(a) of the Organic Act of 1944 (7 U.S.C. 2225), and not to exceed $3,000 shall be available for employment under 5 U.S.C. 3109.

For "Rural Development Service" for the period July 1, 1976, through September 30, 1976, $354,000: *Provided*, That this appropriation shall be available for employment pursuant to the second sentence of section 706(a) of the Organic Act of 1944 (7 U.S.C. 2225), and not to exceed $750 shall be available for employment under 5 U.S.C. 3109.

RURAL ELECTRIFICATION ADMINISTRATION

To carry into effect the provisions of the Rural Electrification Act of 1936, as amended (7 U.S.C. 901–950(b)), as follows:

RURAL ELECTRIFICATION AND TELEPHONE REVOLVING FUND LOAN AUTHORIZATIONS

Insured loans pursuant to the authority of section 305 of the Rural Electrification Act of 1936, as amended (7 U.S.C. 935), shall be made as follows: rural electrification loans, not less than $750,000,000 nor more than $900,000,000, and rural telephone loans, not less than

$250,000,000, to remain available until expended: *Provided*, That loans made pursuant to section 306 of that Act are in addition to these amounts. 7 USC 936.

For "Rural Electrification and Telephone Revolving Fund Loan Authorizations" loans for the period July 1, 1976, through September 30, 1976, pursuant to the authority of section 305 of the Rural Electrification Act of 1936, as amended (7 U.S.C. 935), shall be made as follows: rural electrification loans, not less than $187,500,000 nor more than $225,000,000, and rural telephone loans, not less than $62,500,000, to remain available until expended: *Provided*, That loans made pursuant to section 306 of that Act are in addition to these amounts.

RURAL TELEPHONE BANK

For the purchase of Class A stock of the Rural Telephone Bank, $30,000,000, to remain available until expended (7 U.S.C. 901–950(b)).

The Rural Telephone Bank is hereby authorized to make such expenditures, within the limits of funds and borrowing authority available to such corporation in accord with law, and to make such contracts and commitments without regard to fiscal year limitations as provided by section 104 of the Government Corporation Control Act, as amended, as may be necessary in carrying out its authorized programs for the current fiscal year. 31 USC 849.

For "Rural Telephone Bank" for the purchase of Class A stock of the Rural Telephone Bank for the period July 1, 1976, through September 30, 1976, $7,500,000, to remain available until expended.

The Rural Telephone Bank is hereby authorized to make such expenditures, within the limits of funds and borrowing authority available to such corporation in accord with law, and to make such contracts and commitments without regard to fiscal year limitations as provided by section 104 of the Government Corporation Control Act, as amended, as may be necessary in carrying out its authorized programs for the period July 1, 1976, through September 30, 1976.

SALARIES AND EXPENSES

For administrative expenses to carry out the provisions of the Rural Electrification Act of 1936, as amended (7 U.S.C. 901–950(b)), including not to exceed $500 for financial and credit reports, funds for employment pursuant to the second sentence of section 706(a) of the Organic Act of 1944 (7 U.S.C. 2225), and not to exceed $150,000 for employment under 5 U.S.C. 3109, $20,112,000.

For "Salaries and Expenses" for the period July 1, 1976, through September 30, 1976, $5,220,000, including not to exceed $125 for financial and credit reports, funds for employment pursuant to the second sentence of section 706(a) of the Organic Act of 1944 (7 U.S.C. 2225), and not to exceed $37,500 for employment under 5 U.S.C. 3109.

CONSERVATION

SOIL CONSERVATION SERVICE

CONSERVATION OPERATIONS

For necessary expenses for carrying out the provisions of the Act of April 27, 1935 (16 U.S.C. 590a–590f), including preparation of conservation plans and establishment of measures to conserve soil and water (including farm irrigation and land drainage and such special measures for soil and water management as may be necessary to pre-

vent floods and the siltation of reservoirs and to control agricultural related pollutants); operation of conservation plant material centers; classification and mapping of soil; dissemination of information; purchase and erection or alteration of permanent buildings; and operation and maintenance of aircraft, to remain available until expended, $206,057,000: *Provided*, That the cost of any permanent building purchased, erected, or as improved, exclusive of the cost of constructing a water supply or sanitary system and connecting the same to any such building and with the exception of buildings acquired in conjunction with land being purchased for other purposes, shall not exceed $5,000, except for one building to be constructed at a cost not to exceed $50,000 and eight buildings to be constructed or improved at a cost not to exceed $30,000 per building and except that alterations or improvements to other existing permanent buildings costing $5,000 or more may be made in any fiscal year in an amount not to exceed $1,000 per building: *Provided further*, That no part of this appropriation shall be available for the construction of any such building on land not owned by the Government: *Provided further*, That no part of this appropriation may be expended for soil and water conservation operations under the Act of April 27, 1935 (16 U.S.C. 590a–590f) in demonstration projects: *Provided further*, That this appropriation shall be available for field employment pursuant to the second sentence of section 706(a) of the Organic Act of 1944 (7 U.S.C. 2225) and not to exceed $5,000 shall be available for employment under 5 U.S.C. 3109: *Provided further*, That qualified local engineers may be temporarily employed at per diem rates to perform the technical planning work of the Service.

16 USC 590e-1.

16 USC 590e-2.

For "Conservation Operations" for the period July 1, 1976, through September 30, 1976, to remain available until expended, $51,521,000: *Provided*, That the cost of any permanent building purchased, erected, or as improved, exclusive of the cost of constructing a water supply or sanitary system and connecting the same to any such building and with the exception of buildings acquired in conjunction with land being purchased for other purposes, shall not exceed $5,000, except for one building to be constructed at a cost not to exceed $50,000 and two buildings to be constructed or improved at a cost not to exceed $30,000 per building and except that alterations or improvements to other existing permanent buildings costing $5,000 or more may be made in any fiscal year in an amount not to exceed $1,000 per building: *Provided further*, That no part of this appropriation shall be available for the construction of any such building on land not owned by the Government: *Provided further*, That no part of this appropriation may be expended for soil and water conservation operations under the Act of April 27, 1935 (16 U.S.C. 590a–590f) in demonstration projects: *Provided further*, That this appropriation shall be available for field employment pursuant to the second sentence of section 706(a) of the Organic Act of 1944 (7 U.S.C. 2225), and not to exceed $5,000 shall be available for employment under 5 U.S.C. 3109: *Provided further*, That qualified local engineers may be temporarily employed at per diem rates to perform the technical planning work of the Service.

16 USC 590e-1.

16 USC 590e-2.

RIVER BASIN SURVEYS AND INVESTIGATIONS

For necessary expenses to conduct research, investigations and surveys of the watersheds of rivers and other waterways, in accordance with section 6 of the Watershed Protection and Flood Prevention Act, approved August 4, 1954, as amended (16 U.S.C. 1006–1009), to remain available until expended, $14,745,000: *Provided*, That this appropria-

16 USC 1006.

tion shall be available for field employment pursuant to the second sentence of section 706(a) of the Organic Act of 1944 (7 U.S.C. 2225), and not to exceed $60,000 shall be available for employment under 5 U.S.C. 3109.

For "River Basin Surveys and Investigations" for the period July 1, 1976, through September 30, 1976, to remain available until expended, $3,687,000: *Provided*, That this appropriation shall be available for field employment pursuant to the second sentence of section 706(a) of the Organic Act of 1944 (7 U.S.C. 2225), and not to exceed $60,000 shall be available for employment under 5 U.S.C. 3109.

WATERSHED PLANNING

For necessary expenses for small watershed investigations and planning, in accordance with the Watershed Protection and Flood Prevention Act, as amended (16 U.S.C. 1001–1008), to remain available until expended, $11,196,000: *Provided*, That this appropriation shall be available for field employment pursuant to the second sentence of section 706(a) of the Organic Act of 1944 (7 U.S.C. 2225), and not to exceed $50,000 shall be available for employment under 5 U.S.C. 3109.

For "Watershed Planning" for the period July 1, 1976, through September 30, 1976, to remain available until expended, $2,799,000: *Provided*, That this appropriation shall be available for field employment pursuant to the second sentence of section 706(a) of the Organic Act of 1944 (7 U.S.C. 2225), and not to exceed $50,000 shall be available for employment under 5 U.S.C. 3109.

WATERSHED AND FLOOD PREVENTION OPERATIONS

For necessary expenses to carry out preventive measures, including but not limited to research, engineering operations, methods of cultivation, the growing of vegetation, and changes in use of land, in accordance with the Watershed Protection and Flood Prevention Act, approved August 4, 1954, as amended (16 U.S.C. 1001–1005, 1007–1008), the provisions of the Act of April 27, 1935 (16 U.S.C. 590a–f), and in accordance with the provisions of laws relating to the activities of the Department, $146,409,000 (of which $25,905,000 shall be available for the watersheds authorized under the Flood Control Act, approved June 22, 1936 (33 U.S.C. 701, 16 U.S.C. 1006a), as amended and supplemented): *Provided*, That this appropriation shall be available for field employment pursuant to the second sentence of section 706(a) of the Organic Act of 1944 (7 U.S.C. 2225), and not to exceed $200,000 shall be available for employment under 5 U.S.C. 3109: *Provided further*, That $23,400,000 in loans may be insured, or made to be sold and insured, under the Agricultural Credit Insurance Fund of the Farmers Home Administration (86 Stat. 663).

For emergency measures for runoff retardation and soil-erosion prevention, as provided by section 216 of the Flood Control Act of 1950 (33 U.S.C. 701b–1) in addition to funds provided elsewhere, $26,577,000, to remain available until expended.

For "Watershed and Flood Prevention Operations" for the period July 1, 1976, through September 30, 1976, $38,408,000 (of which $6,586,000 shall be available for the watersheds authorized under the Flood Control Act, approved June 22, 1936 (33 U.S.C. 701, 16 U.S.C. 1006a), as amended and supplemented): *Provided*, That this appropriation shall be available for field employment pursuant to the second sentence of section 706(a) of the Organic Act of 1944 (7 U.S.C. 2225), and not to exceed $200,000 shall be available for employment under

5 U.S.C. 3109: *Provided further*, That $5,850,000 in loans may be insured, or made to be sold and insured, under the Agricultural Credit Insurance Fund of the Farmers Home Administration (86 Stat. 663).

RESOURCE CONSERVATION AND DEVELOPMENT

For necessary expenses in planning and carrying out projects for resource conservation and development, and for sound land use, pursuant to the provisions of section 32(e) of title III of the Bankhead-Jones Farm Tenant Act, as amended (7 U.S.C. 1011; 76 Stat. 607), and the provisions of the Act of April 27, 1935 (16 U.S.C. 590a–f), $29,972,000: *Provided*, That $3,600,000 in loans may be insured, or made to be sold and insured, under the Agricultural Credit Insurance Fund of the Farmers Home Administration (86 Stat. 663): *Provided further*, That this appropriation shall be available for field employment pursuant to the second sentence of section 706(a) of the Organic Act of 1944 (7 U.S.C. 2225), and not to exceed $50,000 shall be available for employment under 5 U.S.C. 3109.

For "Resource Conservation and Development" for the period July 1, 1976, through September 30, 1976, $7,493,000: *Provided*, That $900,000 in loans may be insured, or made to be sold and insured, under the Agricultural Credit Insurance Fund of the Farmers Home Administration (86 Stat. 663): *Provided further*, That this appropriation shall be available for field employment pursuant to the second sentence of section 706(a) of the Organic Act of 1944 (7 U.S.C. 2225), and not to exceed $50,000 shall be available for employment under 5 U.S.C. 3109.

GREAT PLAINS CONSERVATION PROGRAM

For necessary expenses to carry into effect a program of conservation in the Great Plains area, pursuant to section 16(b) of the Soil Conservation and Domestic Allotment Act, as added by the Act of August 7, 1956, as amended (16 U.S.C. 590p), $20,379,000, to remain available until expended.

For "Great Plains Conservation Program" for the period July 1, 1976, through September 30, 1976, $5,951,000, to remain available until expended.

AGRICULTURAL STABILIZATION AND CONSERVATION SERVICE

AGRICULTURAL CONSERVATION PROGRAM

For necessary expenses to carry into effect the program authorized in sections 7 to 15, 16(a), and 17 of the Soil Conservation and Domestic Allotment Act, approved February 29, 1936, as amended and supplemented (16 U.S.C. 590g–590o, 590p(a), and 590q), and sections 1001–1008, and 1010 of the Agricultural Act of 1970, as added by the Agriculture and Consumer Protection Act of 1973 (16 U.S.C. 1501–1508, and 1510), and including not to exceed $15,000 for the preparation and display of exhibits, including such displays at State, interstate, and international fairs within the Unted States, $190,000,000, for compliance with the programs of soil-building and soil- and water-conserving practices authorized under this head in the Acts making appropriations for Agriculture-Environmental and Consumer Protection Programs, 1975, entered into during the period July 1, 1974, to December 31, 1975, inclusive: *Provided*, That no portion of the funds for the current year's program may be utilized to provide financial or technical assistance for drainage on wetlands now designated as Wetland Types 3(III), 4(IV), and 5(V) in United States Depart-

88 Stat. 1822.

ment of the Interior, Fish and Wildlife Circular 39, Wetlands of the United States, 1956: *Provided further*, That necessary amounts shall be available for administrative expenses in connection with the formulation and administration of the 1976 program of soil-building and soil- and water-conserving practices, including related wildlife conserving practices, and pollution abatement practices, under the Act of February 29, 1936, as amended (amounting to $175,000,000, excluding administration, except that no participant in the Agricultural Conservation Program shall receive more than $2,500, except where the participants from two or more farms or ranches join to carry out approved practices designed to conserve or improve the agricultural resources of the community): *Provided further*, That such amounts shall be available for the purchase of seeds, fertilizers, lime, trees, or any other conservation material, or any soil-terracing services, and making grants thereof to agricultural producers to aid them in carrying out approved 1970 farming practices to be selected by the county committees under programs provided for herein: *Provided further*, That no part of the funds in this Act may be used to obtain or require submission of information from participants in this program not required in carrying out the 1970 program: *Provided further*, That not to exceed 5 per centum of the allocation for the current year's program for any county may, on the recommendation of such county committee and approval of the State committee, be withheld and allotted to the Soil Conservation Service for services of its technicians in formulating and carrying out the Agricultural Conservation Program in the participating counties, and shall not be utilized by the Soil Conservation Service for any purpose other than technical and other assistance in such counties, and in addition, on the recommendation of such county committee and approval of the State committee, not to exceed 1 per centum may be made available to any other Federal, State, or local public agency for the same purpose and under the same conditions: *Provided further*, That for the current year's program $2,500,000 shall be available for technical assistance in formulating and carrying out rural environmental practices: *Provided further*, That no part of any funds available to the Department, or any bureau, office, corporation, or other agency constituting a part of such Department, shall be used in the current fiscal year for the payment of salary or travel expenses of any person who has been convicted of violating the Act entitled "An Act to prevent pernicious political activities", approved August 2, 1939, as amended, or who has been found in accordance with the provisions of title 18 U.S.C. 1913, to have violated or attempted to violate such section which prohibits the use of Federal appropriations for the payment of personal services or other expenses designated to influence in any manner a Member of Congress to favor or oppose any legislation or appropriation by Congress except upon request of any Member or through the proper official channels.

16 USC 590g.

53 Stat. 1147.

FORESTRY INCENTIVES PROGRAM

For necessary expenses not otherwise provided for, to carry out the program of forestry incentives, as authorized in sections 1009 and 1010 of the Agricultural Act of 1970, as added by the Agriculture and Consumer Protection Act of 1973 (16 U.S.C. 1509–1510) including technical assistance and related expenses, $15,000,000, to remain available until expended.

For the "Forestry Incentives Program" for the period July 1, 1976, through September 30, 1976, $3,750,000, to remain available until expended.

WATER BANK PROGRAM

For necessary expenses to carry into effect the provisions of the Water Bank Act (16 U.S.C. 1301–1311), $10,000,000, to remain available until expended.

For "Water Bank Program" (16 U.S.C. 1301–1311) for the period July 1, 1976, through September 30, 1976, $2,500,000, to remain available until expended.

EMERGENCY CONSERVATION MEASURES

For emergency conservation measures, to be used for the same purposes and subject to the same conditions as funds appropriated under this head in the Third Supplemental Appropriations Act, 1957, $10,000,000, with which shall be merged the unexpended balances of funds heretofore appropriated for emergency conservation measures.

71 Stat. 176.

For "Emergency Conservation Measures" for the period July 1, 1976, through September 30, 1976, $2,500,000.

CROPLAND ADJUSTMENT PROGRAM

For necessary expenses to carry into effect a cropland adjustment program as authorized by the Food and Agriculture Act of 1965 (7 U.S.C. 1838), $42,000,000.

For "Cropland Adjustment Program" for the period July 1, 1976, through September 30, 1976, $21,000,000.

TITLE III—DOMESTIC FOOD PROGRAMS

FOOD AND NUTRITION SERVICE

CHILD NUTRITION PROGRAMS

For necessary expenses to carry out the provisions of the National School Lunch Act, as amended (42 U.S.C. 1751–1761); Public Law 91–248 and the applicable provisions other than section 3 of the Child Nutrition Act of 1966, as amended (42 U.S.C. 1773–1785); for the period July 1, 1975, through January 31, 1976, $1,337,391,000, of which $657,111,000 shall be derived by transfer from funds available under section 32 of the Act of August 24, 1935 (7 U.S.C. 612c): *Provided*, That of the foregoing total amount there shall be available $20,650,000 for the nonfood assistance program, and $4,600,000 for the State administrative expenses: *Provided further*, That funds provided herein shall remain available until expended in accordance with section 3 of the National School Lunch Act, as amended: *Provided further*, That for the period July 1, 1975, through January 31, 1976, an additional $80,000,000 shall be transferred to this appropriation from funds available under section 32 of the Act of August 24, 1935 (7 U.S.C. 612c), for purchase and distribution of agricultural commodities and other foods pursuant to section 6 of the National School Lunch Act, as amended: *Provided further*, That this appropriation shall be available for employment pursuant to the second sentence of section 706(a) of the Organic Act of 1944 (7 U.S.C. 2225), and not to exceed $75,000 shall be available for employment under 5 U.S.C. 3109: *Provided further*, That the availability of this appropriation for the school breakfast program and the nonschool food program is contingent upon enactment of necessary legislative authority.

84 Stat. 208.
42 USC 1772.
42 USC 1752.
42 USC 1755.

For "Child Nutrition Programs" for the period July 1, 1976, through September 30, 1976, to carry out the provisions of the

National School Lunch Act, as amended (42 U.S.C. 1751–1761), and the applicable provisions other than section 3 of the Child Nutrition Act of 1966, as amended (42 U.S.C. 1773–1785); $236,591,000: *Provided*, That funds provided herein shall remain available until expended: *Provided further*, That these funds may be made available prior to July 1, 1976, if required to meet program commitments under the authorities cited above: *Provided further*, That this appropriation shall be available for employment pursuant to the second sentence of section 706(a) of the Organic Act of 1944 (7 U.S.C. 2225), and not to exceed $25,000 shall be available for employment under 5 U.S.C. 3109: *Provided further*, That the availability of this appropriation for the school breakfast program and the nonschool food program is contingent upon enactment of necessary legislative authority. 42 USC 1772.

SPECIAL MILK PROGRAM

For necessary expenses to carry out the provisions of the special milk program, as authorized by section 3 of the Child Nutrition Act of 1966, as amended (42 U.S.C. 1772), for the period July 1, 1975, through January 31, 1976, $84,000,000.

SPECIAL SUPPLEMENTAL FOOD PROGRAM (WIC)

For necessary expenses to carry out the provisions of the Special supplemental food program as authorized by section 17 of the Child Nutrition Act of 1966, as amended (42 U.S.C. 1786) for the period July 1, 1975 through January 31, 1976, $106,000,000: *Provided*, That funds provided herein shall remain available until expended in accordance with section 3 of the National School Lunch Act, as amended: *Provided further*, That this appropriation shall be available for employment pursuant to the second sentence of section 706(a) of the Organic Act of 1944 (7 U.S.C. 2225), and not to exceed $75,000 shall be available for employment under 5 U.S.C. 3109: *Provided further*, That the availability of this appropriation is contingent upon enactment of necessary legislative authority. 42 USC 1752.

FOOD STAMP PROGRAM

For necessary expenses of the food stamp program pursuant to the Food Stamp Act of 1964, as amended, for the period July 1, 1975, through January 31, 1976, $3,453,000,000: *Provided*, That funds provided herein shall remain available until expended in accordance with section 16 of the Food Stamp Act of 1964, as amended: *Provided further*, That this appropriation shall be available for employment pursuant to the second sentence of section 706(a) of the Organic Act of 1944 (7 U.S.C. 2225), and not to exceed $100,000 shall be available for employment under 5 U.S.C. 3109: *Provided further*, That no part of the funds appropriated by this Act shall be used during the fiscal year ending June 30, 1976 to make food stamps available to any household, to the extent that the entitlement otherwise available to such household is attributable to an individual who: (i) has reached his eighteenth birthday; (ii) is enrolled in an institution of higher education; and (iii) is properly claimed as a dependent child for Federal income tax purposes by a taxpayer who is not a member of an eligible household: *Provided further*, That funds provided herein shall be expended in accordance with section 15(b) of the Food Stamp Act of 1964, as amended. 7 USC 2011 note. 7 USC 2025. 7 USC 2024.

For "Food Stamp Program" for the period July 1, 1976, through September 30, 1976, $1,039,117,000: *Provided*, That funds provided

herein shall remain available until expended in accordance with section
7 USC 2025. 16 of the Food Stamp Act of 1964, as amended: *Provided further*, That these funds may be made available prior to July 1, 1976, if required to meet program commitments as required by law under the
7 USC 2011 note. Food Stamp Act of 1964, as amended: *Provided further*, That no part of the funds appropriated by this Act shall be used during the period July 1, 1976 through September 30, 1976 to make food stamps available to any household, to the extent that the entitlement otherwise available to such household is attributable to an individual who: (i) has reached his eighteenth birthday; (ii) is enrolled in an institution of higher education; and (iii) is properly claimed as a dependent child for Federal income tax purposes by a taxpayer who is not a member of an eligible household: *Provided further*, That this appropriation shall be available for employment pursuant to the second sentence of section 706(a) of the Organic Act of 1944 (7 U.S.C. 2225), and not to exceed $25,000 shall be available for employment under 5 U.S.C. 3109.

FOOD DONATIONS PROGRAM

For necessary expenses to carry out the provisions of section 4(a) of the Agriculture and Consumer Protection Act of 1973, as amended (7 U.S.C. 612c (note)), $17,839,000, of which $12,000,000 shall be available for the Commodity Supplemental Food Program, and which shall be in addition to not less than $20,000,000 in commodities to be made available by the Commodity Credit Corporation for direct distribution to institutions.

For "Food Donations Program" for the period July 1, 1976, through September 30, 1976, $4,460,000, which shall be in addition to not less than $5,000,000 in commodities to be made available by the Commodity Credit Corporation for direct distribution to institutions.

TITLE IV—INTERNATIONAL PROGRAMS

FOREIGN AGRICULTURAL SERVICE

For necessary expenses for the Foreign Agricultural Service, including carrying out title VI of the Agricultural Act of 1954 (7 U.S.C. 1761–1768), market development activities abroad, and for enabling the Secretary to coordinate and integrate activities of the Department in connection with foreign agricultural work, including not to exceed $45,000 for representation allowances and for expenses pursuant to section 8 of the Act approved August 3, 1956 (7 U.S.C. 1766), $37,071,000: *Provided*, That not less than $255,000 of the funds contained in this appropriation shall be available to obtain statistics and related facts on foreign production and full and complete information on methods used by other countries to move farm commodities in world trade on a competitive basis.

For the "Foreign Agricultural Service" for the period July 1, 1976, through September 30, 1976, including carrying out title VI of the Agricultural Act of 1954 (7 U.S.C. 1761–1768), market development activities abroad, and for enabling the Secretary to coordinate and integrate activities of the Department in connection with foreign agricultural work, including not to exceed $12,000 for representation allowances and for expenses pursuant to section 8 of the Act approved August 3, 1956 (7 U.S.C. 1766), $9,283.000: *Provided*, That not less than $63,750 of the funds contained in this appropriation shall be available to obtain statistics and related facts on foreign production

and full and complete information on methods used by other countries to move farm commodities in world trade on a competitive basis.

PUBLIC LAW 480

For expenses during the current fiscal year, not otherwise recoverable, and unrecovered prior years' costs, including interest thereon, under the Agricultural Trade Development and Assistance Act of 1954, as amended (7 U.S.C. 1701–1710, 1721–1725, 1731–1736d), as follows: (1) sale of agricultural commodities for foreign currencies and for dollars on credit terms pursuant to title I of said Act, $449,466,000 and (2) commodities supplied in connection with dispositions abroad, pursuant to title II of said Act, $640,451,000. 7 USC 1721.

For "Public Law 480" for the period July 1, 1976, through September 30, 1976, as follows: (1) sale of agricultural commodities for foreign currencies and for dollars on credit terms pursuant to title I of said Act, $56,045,000; and (2) commodities supplied in connection with dispositions abroad, pursuant to title II of said Act, $90,175,000.

TITLE V—RELATED AGENCIES

Food and Drug Administration

SALARIES AND EXPENSES

For necessary expenses, not otherwise provided for, of the Food and Drug Administration; for payment of salaries and expenses for services as authorized by 5 U.S.C. 3109 but at rates for individuals not to exceed the per diem rate equivalent to the rate for GS–18; for rental of special purpose space in the District of Columbia or elsewhere; for miscellaneous and emergency expenses of enforcement activities, authorized or approved by the Secretary and to be accounted for solely on his certificate, not to exceed $10,000; $201,805,000. 5 USC 5332 note.

For "Salaries and expenses" for the period July 1, 1976, through September 30, 1976, not otherwise provided for, of the Food and Drug Administration; for payment of salaries and expenses for services as authorized by 5 U.S.C. 3109 but at rates for individuals not to exceed the per diem rate equivalent to the rate for GS–18; for rental of special purpose space in the District of Columbia or elsewhere; for miscellaneous and emergency expenses of enforcement activities, authorized or approved by the Secretary and to be accounted for solely on his certificate, not to exceed $2,500; $50,126,000.

BUILDINGS AND FACILITIES

For construction, repair, improvement, extension, alteration, and purchase of fixed equipment or facilities of or used by the Food and Drug Administration, where not otherwise provided, $1,000,000.

For "Buildings and Facilities" for the period July 1, 1976, through September 30, 1976, $750,000.

Commodity Futures Trading Commission

For necessary expenses to carry into effect the provisions of the Commodity Exchange Act, as amended (7 U.S.C. 1 et seq.) and Public Law 93–463, approved October 23, 1974; including the purchase and hire of passenger motor vehicles; the rental of space in the District of Columbia and elsewhere; and not to exceed $200,000 for employment 7 USC 4a note.

under 5 U.S.C. 3109, $11,193,000: *Provided*, That not to exceed $1,000 shall be available for official reception and representation expenses.

For "Commodity Futures Trading Commission" for the period July 1, 1976, through September 30, 1976; including the purchase and hire of passenger motor vehicles; the rental of space in the District of Columbia and elsewhere; and not to exceed $50,000 for employment under 5 U.S.C. 3109, $2,798,000: *Provided*, That not to exceed $250 shall be available for official reception and representation expenses.

FARM CREDIT ADMINISTRATION

LIMITATION ON ADMINISTRATIVE EXPENSES

Not to exceed $7,089,000 (from assessments collected from farm credit agencies) shall be obligated during the current fiscal year for administrative expenses, including the hire of one passenger motor vehicle.

Not to exceed $1,841,000 (from assessments collected from farm credit agencies) shall be obligated during the period July 1, 1976, through September 30, 1976, for administrative expenses, including the hire of one passenger motor vehicle.

TITLE VI—GENERAL PROVISIONS

Passenger motor vehicles.

SEC. 601. Within the unit limit of cost fixed by law, appropriations and authorizations made for the Department of Agriculture for the fiscal year 1976 under this Act shall be available for the purchase, in addition to those specifically provided for, of not to exceed nine hundred and eleven (911) passenger motor vehicles, of which five hundred and seventy-seven (577) shall be for replacement only, and for the hire of such vehicles: within the unit limit of cost fixed by law, appropriations and authorizations made for the Department of Agriculture under this Act, for the period July 1, 1976, through September 30, 1976, shall be available for the purchase, in addition to those specifically provided for, of not to exceed two hundred and forty-nine (249) passenger motor vehicles for replacement only, and for the hire of such vehicles.

SEC. 602. Funds available to the Department of Agriculture shall be available for uniforms or allowances therefor as authorized by law (5 U.S.C. 5901-5902).

Cotton prices.

SEC. 603. No part of the funds appropriated by this Act shall be used for the payment of any officer or employee of the Department of Agriculture who, as such officer or employee, or on behalf of the Department or any division, commission, or bureau thereof, issues, or causes to be issued, any prediction, oral or written, or forecast, except as to damage threatened or caused by insects and pests with respect to future prices of cotton or the trend of same.

Twine.

SEC. 604. Except to provide materials required in or incident to research or experimental work where no suitable domestic product is available, no part of the funds appropriated by this Act shall be expended in the purchase of twine manufactured from commodities or materials produced outside the United States.

SEC. 605. Not less than $1,500,000 of the appropriations of the Department of Agriculture for research and service work authorized by the Acts of August 14, 1946, July 28, 1954, and September 6, 1958 (7 U.S.C. 427, 1621–1629; 42 U.S.C. 1891–1893), shall be available for contracting in accordance with said Acts: Not less than $375,000 of the appropriations of the Department of Agriculture for research and service work authorized by the Acts of August 14, 1946, July 28, 1954, and September 6, 1958 (7 U.S.C. 427, 1621–1629; 42 U.S.C. 1891–1893), for the period July 1, 1976, through September 30, 1976, shall be available for contracting in accordance with said Acts. 7 USC 1623a.

SEC. 606. No part of the funds contained in this Act may be used to make production or other payments to a person, persons, or corporations who harvest or knowingly permit to be harvested for illegal use, marihuana, or other such prohibited drug-producing plants on any part of lands owned or controlled by such persons or corporations. Marihuana.

SEC. 607. Advances of money from any appropriation for the Department of Agriculture may be made by authority of the Secretary of Agriculture to chiefs of field parties. Advancement of funds.

SEC. 608. No part of any appropriation contained in this Act shall be available for paying to the Administrator of the General Services Administration in excess of 90 percent of the standard level user charge established pursuant to section 210(j) of the Federal Property and Administrative Services Act of 1949, as amended, for space and services. Standard level user charges, limitation.

SEC. 609. None of the funds provided by this Act shall be used to pay the salaries of any personnel which carries out the provisions of section 610 of the Agricultural Act of 1970, except for research in an amount not to exceed $3,000,000; projects to be approved by the Secretary as provided by law: *Provided*, That none of these funds shall be available to Cotton Incorporated or any other contractual agency which pays remuneration or compensation from any source, including funds received under the provisions of 7 U.S.C. 2106, to any officer or employee in excess of the annual compensation received by the Secretary of Agriculture, or expenses beyond those included in the budget approved by the Secretary of Agriculture. 7 USC 2119.

SEC. 610. Obligations chargeable against the Working Capital Fund during the period July 1, 1975, through June 30, 1976, shall not exceed $37,452,000, the same as fiscal year 1974, and for the period July 1, 1976, through September 30, 1976, shall not exceed $9,363,000.

SEC. 611. New obligational authority provided for the following appropriation items in this Act (including funds for the transition period where provided) shall remain available until expended: Scientific Activities Overseas (Special Foreign Currency Program); Public Law 480; Rural Housing for Domestic Farm Labor; Mutual and Self-Help Housing; Watershed and Flood Prevention Operations; Resource Conservation and Development; Emergency Conservation Measures; Buildings and Facilities, Food and Drug Administration. The appropriation in this Act to liquidate contract authorizations for the Agricultural Conservation Program shall also remain available until expended. 68 Stat. 454.

SEC. 612. No part of any appropriation contained in this Act shall remain available for obligation beyond the current fiscal year unless expressly so provided herein, except as provided in section 204 of the Supplemental Appropriation Act, 1975 (Public Law 93–554).

88 Stat 1784.

Short title.

This Act may be cited as the "Agriculture and Related Agencies Appropriation Act, 1976".

Approved October 21, 1975.

LEGISLATIVE HISTORY:

HOUSE REPORTS: No. 94–346 (Comm. on Appropriations) and No. 94–528 (Comm. of Conference).

SENATE REPORT No. 94–293 (Comm. on Appropriations).

CONGRESSIONAL RECORD, Vol. 121 (1975):

July 14, considered and passed House.

July 25, considered and passed Senate, amended.

Oct. 7, House agreed to conference report; concurred in Senate amendments with amendments; Senate agreed to conference report; concurred in House amendments.

Public Law 94-123
94th Congress

An Act

To amend title 38, United States Code, to provide special pay and incentive pay for certain physicians and dentists employed by the Department of Medicine and Surgery of the Veterans' Administration in order to enhance the recruitment and retention of such personnel, and for other purposes.

Oct. 22, 1975
[H.R. 8240]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Veterans' Administration Physician and Dentist Pay Comparability Act of 1975".

Veterans' Administration Physician and Dentist Pay Comparability Act of 1975. 38 USC 4118 note.

SEC. 2. (a) The Congress hereby finds and declares (1) that the ceiling on the salary of physicians employed in the Department of Medicine and Surgery due to the Federal salary limitation under the Executive Schedule rates of pay in title 5, United States Code, accompanied by the sharp escalation in the cost of living since those rates of pay were last increased in 1969, has seriously impaired the recruitment and retention of qualified physicians by the Department of Medicine and Surgery in the Veterans' Administration; and (2) that the compensation provided to physicians and dentists in the Department of Medicine and Surgery has been rendered noncompetitive by virtue of the payment of special pay of up to $13,500 per annum, in addition to basic compensation and other benefits, to certain medical officers, and monthly special and continuation pay cumulating approximately half such amount to certain dental officers, of the uniformed services, pursuant to title 37 of the United States Code and Public Law 93-274. The Congress further finds and declares that these recruitment and retention difficulties have created an inequitable and demoralizing situation in the Department of Medicine and Surgery that threatens to erode seriously the ability of the Department to compete for the services of necessary health care professionals and thereby to continue to provide quality health care to eligible veterans.

38 USC 4118 note. 5 USC 5311. 37 USC 101 *et seq.* 37 USC 302 note.

(b) Section 4107 of title 38, United States Code, is amended by—

38 USC 4107.

(1) striking out the comma and "other than Chief Medical Director and Deputy Chief Medical Director," after "title" in the first sentence of subsection (a);

(2) striking out in subsection (a) the following:

"Associate Deputy Chief Medical Director, at the annual rate provided in section 5316 of title 5 of the United States Code for positions in level V of the Executive Schedule.

"Assistant Chief Medical Director, $41,734.

"Medical Director, $36,103 minimum to $40,915 maximum."

and inserting in lieu thereof the following:

"Chief Medical Director, $54,000.

"Deputy Chief Medical Director, $52,000.

"Associate Deputy Chief Medical Director, $50,000.

"Assistant Chief Medical Director, $48,654.

"Medical Director, $42,066 minimum to $47,674 maximum.";

(3) amending the Physician and Dentist Schedule in section (b)(1) to read as follows:

"PHYSICIAN AND DENTIST SCHEDULE

"Director grade, $36,338 minimum to $46,026 maximum.
"Executive grade, $33,736 minimum to $43,861 maximum.
"Chief grade, $31,309 minimum to $40,705 maximum.
"Senior grade, $26,861 minimum to $34,916 maximum.
"Intermediate grade, $22,906 minimum to $29,782 maximum.
"Full grade, $19,386 minimum to $25,200 maximum.
"Associate grade, $16,255 minimum to $21,133 maximum."; and

(4) amending subsection (d) to read as follows:

"(d) Notwithstanding any other provision of law, and except as provided in section 4118 of this title, pay may not be paid at a rate in excess of the rate of basic pay for an appropriate level authorized by section 5314, 5315, or 5316 of title 5 for positions in the Executive Schedule, as follows:

Infra.

5 USC 5314–5316.

"(1) Level III for the Chief Medical Director;
"(2) Level IV for the Deputy Chief Medical Director; and
"(3) Level V for all other positions for which such basic pay is paid under this section.".

(c) Title 5, United States Code, is amended by—

5 USC 5314.

(1) striking out in section 5314 the following:
"(38) Chief Medical Director in the Department of Medicine and Surgery, Veterans' Administration."; and

5 USC 5315.

(2) striking out in section 5315 the following:
"(31) Deputy Chief Medical Director in the Department of Medicine and Surgery, Veterans' Administration.".

(d)(1) Subchapter I of chapter 73 of title 38, United States Code, is amended by adding at the end thereof the following new section:

38 USC 4118.

"§ 4118. Special pay for physicians and dentists

Supra.

"(a)(1) Notwithstanding the provisions of section 4107(d) or any other provision of law, in order to recruit and retain highly qualified physicians and dentists in the Department of Medicine and Surgery, the Administrator, pursuant to the provisions of this section and regulations which he shall prescribe hereunder, shall provide, in addition to any pay or allowance to which such physician or dentist is entitled, special pay in an amount not more than (A) $13,500 per annum to any physician employed in the Department of Medicine and Surgery, or (B) $6,750 per annum to any dentist so employed, except as provided in paragraphs (2) and (3) of this subsection, upon the execution, and for the duration of, a written agreement by such physician or dentist to complete a specified number of years of service in the Department.

"(2) Special pay may not be paid under this section to any physician or dentist who—

"(A) is employed on less than a half-time or intermittent basis,
"(B) occupies an internship or residency training position, or
"(C) is a reemployed annuitant.

"(3) The Chief Medical Director, pursuant to such regulations, may determine categories of positions applicable to both physicians and dentists in the Department of Medicine and Surgery as to which there is no significant recruitment and retention problem. Physicians and dentists serving in such positions shall not be eligible for special pay under this section.

"(b) The Administrator shall exercise the authority contained in this section to provide—

"(1) the maximum amount of such special pay to the Chief Medical Director and Deputy Chief Medical Director;

"(2) primary special pay of $5,000 to any eligible full-time physician, or $2,500 to any eligible full-time dentist, appointed under this chapter; and

"(3) a proportional amount of primary special pay of $5,000 to any eligible part-time physician, or of $2,500 to any eligible part-time dentist, appointed under this chapter, which proportional amount shall be calculated on the basis of the proportion which the part-time employment in the Department of Medicine and Surgery of such physician or dentist bears to full-time employment.

Incentive special pay.

"(c) The Administrator shall, in accordance with such regulations, provide, in addition to the primary special pay provided for in subsection (b) of this section, incentive special pay of no more than $8,500 to any eligible physician, or $4,250 to any eligible dentist, described in clauses (2) and (3) of subsection (b) of this section. In prescribing regulations to carry out this subsection, the Administrator shall take into account only the following factors and may pay no more than the following per annum amounts of incentive special pay to any full-time physician eligible therefor, one-half the following per annum amounts to any full-time dentist eligible therefor (except that the full amount as specified in clause (1)(A)(iii) may be paid), or a proportional amount of the following per annum amounts to any part-time physician or dentist to the extent eligible therefor which proportional amount shall be calculated on the basis of the proportion which the part-time employment in the Department of Medicine and Surgery of such physician or dentist bears to full-time employment:

"(1)(A)(i) full-time status, $2,000, and

"(ii) tenure of service within the Department of Medicine and Surgery as follows:

"(aa) completion of probationary period or three years, whichever is the lesser, $1,000, or

"(bb) completion of seven years, $2,000; and

"(iii) scarcity of medical or dental specialty $2,000; or

"(B) professional responsibility as follows:

"(i) Service Chief not in a scarce medical or dental specialty or Associate Chief of Staff, $5,500,

"(ii) Service Chief in a scarce medical or dental specialty, $7,000,

"(iii) Chief of Staff or Executive Grade, $7,000,

"(iv) Director Grade or Deputy Service Director, $7,250,

"(v) Service Director, $7,500,

"(vi) Deputy Assistant Chief Medical Director, $8,000, or

"(vii) Associate Deputy Chief Medical Director or Assistant Chief Medical Director, $8,500; and

"(2) continuing education certification, $500.

Special pay formula.

"(d)(1) The annual rate of special pay provided pursuant to this section shall be reduced by an amount calculated as of the effective date of an agreement entered into under this section, as follows: the difference between the annual rate of basic pay for the grade and step

of a physician or dentist in effect and payable on the day before the effective date of this section and the annual rate of basic pay in effect and payable on such effective date for such grade and step.

"(2) No part-time physician may be paid an aggregate amount of basic pay, pursuant to the rates applicable on the effective date of this section to physicians employed under this title, and special pay under this section in excess of $42,000 per annum, and no part-time dentist may be paid an aggregate amount of basic pay, pursuant to the rates applicable on the effective date of this section to dentists employed under this title, and special pay under this section in excess of $37,000 per annum.

"(e)(1) Any agreement entered into by a physician or dentist under this section shall be with respect to a period of one year of service in the Department of Medicine and Surgery unless the physician or dentist requests an agreement for a longer period of service not to exceed four years.

"(2)(A) Any such agreement shall provide that the physician or dentist, in the event that such physician or dentist voluntarily, or because of misconduct, fails to complete at least one year of service pursuant to such agreement, shall be required to refund the total amount received under this section, unless the Chief Medical Director, pursuant to the regulations prescribed under this section, determines that such failure is necessitated by circumstances beyond the control of the physician or dentist.

"(B) Any such agreement shall specify the terms under which the Veterans' Administration and the physician or dentist may elect to terminate such agreement.

"(3) Any amount of special pay payable under this section shall be paid in biweekly installments.

"(4)(A) Any physician or dentist who is employed in the Department of Medicine and Surgery on or before the effective date of this section and who enters into an agreement under this section during the forty-five-day period beginning on the date of the enactment of the Veterans' Administration Physician and Dentist Pay Comparability Act of 1975 is entitled to special pay beginning on the effective date of this section.

"(B) Any physician or dentist who becomes employed in the Department of Medicine and Surgery after the effective date of this section and who enters into an agreement under this section before the close of the forty-five-day period beginning on the date of the enactment of the Veterans' Administration Physician and Dentist Pay Comparability Act of 1975 is entitled to special pay beginning on the date on which the physician or dentist becomes employed.

"(C) Any physician or dentist who becomes employed in the Department of Medicine and Surgery after the close of the forty-five-day period beginning on the date of the enactment of the Veterans' Administration Physician and Dentist Pay Comparability Act of 1975, or who does not enter into any agreement under this section before the close of such 45-day period, and who thereafter enters into an agreement under this section is entitled to special pay beginning on the date on which the agreement is entered into, or the date on which the physician or dentist becomes employed, whichever date is later.

"(f) Any additional compensation provided as special pay under this section shall not be considered as basic pay for the purposes of

subchapter VI and section 5595 of chapter 55, chapter 81, 83, or 87 of title 5, or other benefits related to basic pay.". 5 USC 5551, 8101, 8301, 8701.

(2) The table of sections at the beginning of chapter 73 of title 38, United States Code, is amended by inserting

"4118. Special pay for physicians and dentists."

immediately after

"4117. Contracts for scarce medical specialist services.".

SEC. 3. The Administrator of Veterans' Affairs shall submit a report each year to the Committees on Veterans' Affairs of the House of Representatives and the Senate regarding the operation of the special pay program authorized by section 4118 of title 38, United States Code, as added by section 2(d)(1) of this Act. The report shall be on a fiscal year basis and shall contain— Report to congressional committees. 38 USC 4118 note.

(1) a review of the program to date for the fiscal year during which the report is submitted and for such portion of the preceding fiscal year as was not included in the previous annual report; and

(2) any plan in connection with the program for the remainder of such fiscal year and for the succeeding fiscal year.

This report shall be submitted no later than April 30 of each year.

SEC. 4. (a) No later than August 31, 1976, the Comptroller General of the United States and the Director of the Office of Management and Budget shall complete the following activities and shall each submit a report thereon to the Congress: Reports to Congress. 38 USC 4118 note.

(1) An investigation of the short-term and long-term problems facing the departments and agencies of the Federal Government (including the uniformed services) in recruiting and retaining qualified physicians and dentists.

(2) An evaluation of the extent to which the implementation of a uniform system of pay, allowances, and benefits for all physicians and dentists employed in such Federal departments and agencies would alleviate or solve such recruitment and retention problems.

(3) An investigation and evaluation of such other solutions to such recruitment and retention problems as each deems appropriate.

(4) On the basis of the investigations and evaluations required to be made under paragraphs (1), (2), and (3) of this subsection, (A) an identification of appropriate alternative suggested courses of legislative or administrative action (including proposed legislation) and cost estimates therefor, which in the judgment of the Comptroller General or Director, as the case may be, will solve such recruitment and retention problems, and (B) a recommendation, and justification therefore, of which such course should be undertaken.

(b) The reports required by subsection (a) of this section shall also include—

(1) a comprehensive analysis of—

(A) the existing laws and regulations relating to the employment of physicians and dentists by such departments and agencies of the Government, including an analysis of the various pay systems established pursuant to such laws,

(B) the existing physician and dentist recruitment, selection, utilization, and promotion practices of such departments and agencies, and

(C) the degree to which the various pay systems referred to in subparagraph (A), the practices referred to in subparagraph (B), and other relevant departmental and agency practices are effective in alleviating or solving such recruitment and retention problems; and

(2) a comparison of the remuneration received by physicians and dentists employed by such departments and agencies with the remuneration received by physicians and dentists in private practice or academic medicine who have equivalent professional or administrative qualifications, based upon information available through medical, dental, and health associations and other available sources.

Consultation.

(c) In preparing their respective reports required by subsection (a) of this section, the Comptroller General and the Director of the Office of Management and Budget shall consult, to the maximum extent feasible, with each other as well as with the Administrator of Veterans' Affairs, the Secretary of Defense, the Secretary of Health, Education, and Welfare, the Chairman of the Civil Service Commission, and the heads of other appropriate Federal departments and agencies.

Report to Congress.

(d) No later than March 1, 1977, the Comptroller General shall complete, and shall submit a report thereon to the Congress, a comprehensive investigation and analysis of recruitment and retention problems, both nationwide and geographically, of health care personnel other than physicians and dentists in the Department of Medicine and Surgery with respect to basic pay and premium and overtime pay rates.

(e) The report required by subsection (d) of this section shall specify—

(1) pay relationships which exist, both nationwide and geographically, between such personnel and similar employees of non-Federal health care facilities;

(2) pay relationships which exist, both nationwide and geographically, among such personnel in the Department of Medicine and Surgery (including an analysis of the effect of differing pay systems);

(3) the degree to which the pay relationships referred to in clauses (1) and (2) of this subsection create recruitment and retention or other personnel or related problems in the effective administration and achievement of the mission of the Department of Medicine and Surgery;

(4) the degree to which existing title 38 and title 5, United States Code, authorities have been able to be exercised in a way adequate to deal with any such recruitment and retention and pay problems as to such personnel; and

(5) (A) alternative suggested courses of legislative or administrative action (including proposed legislation) and cost estimates therefor, which in the judgment of the Comptroller General will alleviate or solve any such recruitment and retention and pay problems, and (B) a recommendation, and justification therefor, of which such course should be undertaken.

(f) In preparing the report required by subsection (d) of this section, the Comptroller General shall consult with the Chief Medical Director of the Veterans' Administration and with the heads of other appropriate Federal departments and agencies. Consultation.

(g) The heads of all Federal departments and agencies shall fully cooperate with and respond expeditiously to all reasonable requests for information and assistance in connection with the preparation of the reports required by this section. Agency cooperation.

(h) The Administrator of Veterans' Affairs shall submit to the appropriate Committees of the House of Representatives and the Senate reports, prepared by the Chief Medical Director, specifying the effect on the administration and achievement of the mission of the Department of Medicine and Surgery of the alternative courses and recommended course of action identified in the reports required by this section. Each such report shall be submitted no later than one hundred and twenty days after the date on which such other report in question is submitted to the Congress. Report to congressional committees.

SEC. 5. Chapter 73 of title 38, United States Code is amended as follows:

(a) Clause (1) of section 4104 is amended to read as follows: 38 USC 4104.

"(1) Physicians, dentists, nurses, physicians' assistants, and expanded-duty dental auxiliaries;".

(b) Section 4105 is amended by— 38 USC 4105.

(1) inserting at the end of subsection (a) the following new paragraph:

"(8) Physicians' assistants and expanded-duty dental auxiliaries shall have such medical or dental and technical qualifications and experience as the Administrator shall prescribe."; and

(2) striking out in subsection (b) "or nurse unless he" and inserting in lieu thereof "nurse, physicians' assistant, or expanded-duty dental auxiliary unless such person".

(c) Section 4106 is amended by adding at the end thereof the following new subsection: 38 USC 4106.

"(f) The provisions of this section shall apply to physicians' assistants and expanded-duty dental auxiliaries.".

(d) Section 4107 is amended by— 38 USC 4107.

(1) inserting before the period at the end of the third sentence of paragraph (5) of subsection (e) a comma and "except as voluntarily requested in writing by the nurse in question"; and

(2) inserting at the end thereof the following new subsection:

"(f) Under standards which the Administrator shall prescribe in regulations, physicians' assistants and expanded-duty dental auxiliaries shall be compensated by use of Nurse Schedule grade titles and related pay ranges and shall be entitled to additional pay on the same basis as provided for nurses in paragraphs (2) through (8) of subsection (e) of this section.".

(e) Section 4108 is amended by— 38 USC 4108.

(1) striking out in the language preceding clause (1) in subsection (a) "and nurses" and inserting in lieu thereof a comma and "nurses, physicians' assistants, and expanded-duty dental auxiliaries"; and

(2) striking out "or nurse" in the same language in such subsection and in clause (6) (B) thereof and inserting in lieu thereof

in each place "nurse, physicians' assistant, or expanded-duty dental auxiliary".

Effective dates. 38 USC 4118 note.

SEC. 6. (a)(1) The amendments made by section 2 of this Act shall become effective on October 12, 1975.

(2) No agreement to provide special pay may be entered into pursuant to section 4118 of title 38, United States Code (as added by section 2(d)(1) of this Act), after October 11, 1976.

38 USC 4104 note.

(b) Except as provided in subsection (a)(1) of this section, the amendments made by this Act shall become effective beginning the first pay period following thirty days after the date of the enactment of this Act.

Approved October 22, 1975.

LEGISLATIVE HISTORY:

HOUSE REPORT No. 94-339 (Comm. on Veterans' Affairs).
SENATE REPORT No. 94-325 accompanying S. 1711 (Comm. on Veterans' Affairs).
CONGRESSIONAL RECORD, Vol. 121 (1975):
July 21, considered and passed House.
Aug. 1, considered and passed Senate, amended, in lieu of S. 1711.
Oct. 8, House concurred in Senate amendment with an amendment.
Oct. 9, Senate concurred in House amendment.

Public Law 94–124
94th Congress

An Act

Nov. 4, 1975
[H.R. 4799]

To amend sections 6, 306, and 308 of the Rural Electrification Act of 1936, as amended.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 306 of the Rural Electrification Act of 1936, as amended, is amended—

Rural Electrification Act of 1936, amendment.
7 USC 936.

(a) by adding at the end of said section 306 the following: "A guaranteed loan, including the related guarantee, may be assigned to the extent provided in the contract of guarantee executed by the Administrator under this title; the assignability of such loan and guarantee shall be governed exclusively by said contract of guarantee."; and

(b) by inserting the word "initially" before the words "made, held, and serviced" in the sixth sentence of said section 306.

SEC. 2. Section 308 of the Rural Electrification Act of 1936, as amended, is amended by striking therefrom the words "of which the holder has actual knowledge" and substituting in lieu thereof the words "of which the holder had actual knowledge at the time it became a holder".

7 USC 938.

SEC. 3. Section 6 of the Rural Electrification Act of 1936, as amended, is amended by adding at the end thereof the following new sentence: "On or before February 15 of each calendar year beginning with calendar year 1976, or such other date as may be specified by the appropriate committee, the Secretary of Agriculture shall testify before the House Committee on Agriculture and the Senate Committee on Agriculture and Forestry and provide justification in detail of the amount requested in the budget to be appropriated for the next fiscal year for the purpose of administering this Act and for the purpose of making the studies, investigations, publications, and reports herein authorized.".

Testimony before congressional committees.
7 USC 906.

Approved November 4, 1975.

LEGISLATIVE HISTORY:

HOUSE REPORT No. 94–353 (Comm. on Agriculture).
SENATE REPORT No. 94–424 (Comm. on Agriculture and Forestry).
CONGRESSIONAL RECORD, Vol. 121 (1975):
July 21, considered and passed House.
Oct. 20, considered and passed Senate, amended.
Oct. 22, House concurred in Senate amendment.

57-194 O - 77 - 47

Public Law 94–125
94th Congress

Joint Resolution

Nov. 12, 1975
[S.Res. 134]

To extend the authority for the direct purchase of United States obligations by Federal Reserve banks.

Federal Reserve Act, amendment.
12 USC 355.

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That section 14(b) of the Federal Reserve Act is amended—

(1) by striking out "November 1, 1975" and inserting in lieu thereof "November 1, 1976"; and

(2) by striking out "October 31, 1975" and inserting in lieu thereof "October 31, 1976".

Approved November 12, 1975.

LEGISLATIVE HISTORY:

SENATE REPORT No. 94–405 (Comm. on Banking, Housing and Urban Affairs).
CONGRESSIONAL RECORD, Vol. 121 (1975):
Oct. 23, considered and passed Senate.
Oct. 28, considered and passed House.

Public Law 94-126
94th Congress

An Act

To amend title 5, United States Code, to correct certain inequities in the crediting of National Guard technician service in connection with civil service retirement, and for other purposes.

Nov. 12, 1975
[S. 584]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) section 8334(c) of title 5, United States Code, relating to deposits for periods of creditable service for civil service retirement purposes, is amended by striking out the last sentence.

National Guard technicians; civil service retirement.

(b) Section 8339 of title 5, United States Code, relating to computation of civil service retirement annuities, is amended by striking out subsection (m) and redesignating subsection (n) as (m).

(c) Section 8345 of title 5, United States Code, relating to payment of civil service retirement annuities, is amended by adding at the end thereof the following:

Regulations.

"(g) The Commission shall prescribe regulations to provide that the amount of any monthly annuity payable under this section accruing for any month and which is computed with regard to service that includes any service referred to in section 8332(b)(6) performed by an individual prior to January 1, 1969, shall be reduced by the portion of any benefits under any State retirement system to which such individual is entitled (or on proper application would be entitled) for such month which is attributable to such service performed by such individual before such date."

SEC. 2. (a) Section 8334(g)(5) of title 5, United States Code, is amended by striking out "8339(n)" and inserting "8339(m)" in place thereof.

(b) Section 8340(c)(1) of title 5, United States Code, is amended by striking out "8339(n)" and inserting "8339(m)" in place thereof.

SEC. 3. The amendments made by the first section of this Act shall become effective as of January 1, 1969, except that such amendments shall not apply to a person who, on the date of enactment of this Act, is receiving or is entitled to receive benefits under any retirement system established by the United States or any instrumentality thereof, unless such person requests, in writing, the office which administers his retirement system to apply such amendments to him. Any additional benefits payable pursuant to such a written request shall commence on the first day of the month following the date of the enactment of this Act.

Effective date.
5 USC 8334 note.

Approved November 12, 1975.

LEGISLATIVE HISTORY:

HOUSE REPORT No. 94-461 (Comm. on Post Office and Civil Service).
SENATE REPORT No. 94-189 (Comm. on Post Office and Civil Service).
CONGRESSIONAL RECORD, Vol. 121 (1975):
June 16, considered and passed Senate.
Sept. 22, Oct. 20, considered and passed House, amended.
Oct. 30, Senate concurred in House amendment.

Public Law 94–127
94th Congress

An Act

Nov. 13, 1975
[S. 1542]

To authorize appropriations for the fiscal year 1976 for certain maritime programs of the Department of Commerce, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Maritime Appropriation Authorization Act of 1975".

Maritime Appropriation Authorization Act of 1975.
46 USC 1101 note.

SEC. 2. Funds are authorized to be appropriated without fiscal year limitation as the Appropriation Act may provide for the use of the Department of Commerce, for the fiscal year 1976, as follows:

(1) For acquisition, construction, or reconstruction of vessels and for construction-differential subsidy and cost of national defense features incident to the construction, reconstruction, or reconditioning of ships, not to exceed $195,000,000.

(2) For payment of obligations incurred for operating-differential subsidy, not to exceed $315,936,000.

(3) For expenses necessary for research and development activities, not to exceed $12,232,000.

(4) For reserve fleet expenses, not to exceed $4,242,000.

(5) For maritime training at the Merchant Marine Academy at Kings Point, New York, not to exceed $11,500,000.

(6) For financial assistance to State marine schools, not to exceed $4,708,000.

Additional appropriations.

SEC. 3. There are authorized to be appropriated for the fiscal year 1976, in addition to the amounts authorized by section 2 of this Act, such additional supplemental amounts, for the activities for which appropriations are authorized under section 2 of this Act, as may be necessary for increases in salary, pay, retirement, or other employee benefits authorized by law, and for increased costs for public utilities, food service, and other expenses of the Merchant Marine Academy at Kings Point, New York.

Ante, p. 16.

SEC. 4. Section 809(a) of the Merchant Marine Act, 1936, as amended (46 U.S.C. 1213(a)) is amended by inserting immediately after the first sentence thereof the following: "In order to assure equitable treatment for each range of ports referred to in the preceding sentence, not less than 10 percent of the funds appropriated for construction-differential subsidy and operating-differential subsidy pursuant to this Act or any law authorizing funds for the purposes of this Act shall be allocated to each such port range: *Provided, however*, That such allocation shall apply to the extent that subsidy contracts are approved by the Secretary of Commerce. Not later than March 1, 1976, and annually thereafter, the Secretary shall submit to Congress a detailed report (1) describing the actions that have been taken pursuant to this Act to assure insofar as possible that direct and adequate service is provided by United States-flag commercial vessels to each range of ports referred to in this section; and (2) including any recommendations for additional legislation that may be necessary to achieve the purpose of this section.".

Annual report to Congress.

SEC. 5. Section 1103(f) of the Merchant Marine Act, 1936, as amended (46 U.S.C. 1273(f)) is amended by striking "$5,000,000,000", and inserting in lieu thereof "$7,000,000,000".

Approved November 13, 1975.

LEGISLATIVE HISTORY:

HOUSE REPORT No. 94–175 accompanying H.R. 3902 (Comm. on Merchant Marine and Fisheries) and No. 94–529 (Comm. of Conference).
SENATE REPORT No. 94–96 (Comm. on Commerce).
CONGRESSIONAL RECORD, Vol. 121 (1975):
Apr. 29, considered and passed Senate.
May 12, considered and passed House, amended, in lieu of H.R. 3902.
Oct. 9, Senate agreed to conference report.
Oct. 20, House agreed to conference report.

Public Law 94–128
94th Congress

An Act

Nov. 13, 1975
[S. 896]

To increase the appropriation authorization relating to the volunteers in the parks program, and for other purposes.

Volunteers in the parks program. Appropriation authorization.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That in order to increase the appropriation authorization relating to the volunteers in the parks program, section 4 of the Act of July 29, 1970 (84 Stat. 472; 16 U.S.C. 18j), is amended by deleting the figure "100,000" appearing therein and inserting the figure "250,000" in its place.

Approved November 13, 1975.

LEGISLATIVE HISTORY:

HOUSE REPORT No. 94–550 (Comm. on Interior and Insular Affairs).
SENATE REPORT No. 94–99 (Comm. on Interior and Insular Affairs).
CONGRESSIONAL RECORD, Vol. 121 (1975):
May 1, considered and passed Senate.
Nov. 4, considered and passed House.

Public Law 94–129
94th Congress

An Act

Nov. 13, 1975
[S. 1649]

To amend the Act of March 4, 1927, to authorize the Secretary of Agriculture to accept and administer on behalf of the United States gifts or devises of real and personal property for the benefit of the National Arboretum.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Act of March 4, 1927, is amended to add the following:

National Arboretum, gifts, bequests or devises.
20 USC 191 *et seq.*
20 USC 195.

"SEC. 5. Notwithstanding any other provision of law, the Secretary of Agriculture is authorized to accept, receive, hold, utilize, and administer on behalf of the United States gifts, bequests, or devises of real and personal property made for the benefit of the National Arboretum or for the carrying out of any of its functions. For the purposes of the Federal income, estate, and gift tax laws, property accepted under the authority of this section shall be considered as a gift, bequest, or devise to the United States. Any gift of money accepted pursuant to the authority granted in this section, or the net proceeds from the liquidation of any property so accepted, or the proceeds of any insurance on any gift property not used for its restoration shall be deposited in the Treasury of the United States for credit to a separate fund and shall be disbursed upon order of the Secretary of Agriculture.".

Approved November 13, 1975.

LEGISLATIVE HISTORY:

HOUSE REPORT No. 94–614 (Comm. on Agriculture).
SENATE REPORT No. 94–324 (Comm. on Agriculture and Forestry).
CONGRESSIONAL RECORD, Vol. 121 (1975):
July 25, considered and passed Senate.
Nov. 4, considered and passed House.

Public Law 94-130
94th Congress

An Act

Nov. 14, 1975
[H.R. 6334]

To amend further the Peace Corps Act, and for other purposes.

Peace Corps Act, amendment.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That so much of section 3(b) of the Peace Corps Act (22 U.S.C. 2502(b)) as precedes the first proviso thereof is amended to read as follows: "There are authorized to be appropriated for fiscal year 1976 not to exceed $88,468,000, and for the period July 1, 1976, through September 30, 1976, not to exceed $27,887,800, to carry out the purposes of this Act:"

Salary and benefits, increase.

SEC. 2. Section 3(c) of the Peace Corps Act (22 U.S.C. 2502(c)) is amended to read as follows: "In addition to the amounts authorized for fiscal year 1976 and for the period July 1, 1976, through September 30, 1976, there are authorized to be appropriated for the Peace Corps for such year not in excess of $1,000,000 for increases in salary, pay, retirement, or other employee benefits authorized by law.".

Transfer of funds.

SEC. 3. Section 3(d) of the Peace Corps Act (22 U.S.C. 2502(d)) is amended to read as follows: "The Director of ACTION shall transfer to the readjustment allowance, ACTION, account at the Treasury Department, no later than December 31, 1975, not to exceed $315,000 from any sums available to carry out the purposes of this Act in fiscal year 1976 to rectify the imbalance in the Peace Corps readjustment allowance account for the period March 1, 1961, to February 28, 1973.".

22 USC 2504.

SEC. 4. Section 5(a) of the Peace Corps Act, as amended, which relates to conditions of enrollment for volunteer service is amended by adding ", sex" after the word "race" in the last sentence thereof.

SEC. 5. (a) Section 105(a)(1) of the Domestic Volunteer Service Act of 1973 (42 U.S.C. 4955(a)(1)) is amended by striking out "$50" and inserting in lieu thereof "$75".

Appropriation authorization.
42 USC 4955 note.
42 USC 5081.

(b) There are authorized to be appropriated, in addition to the sums authorized to be appropriated pursuant to section 501 of such Act, such additional sums as may be necessary to carry out the amendments made by subsection (a) of this section. Such amendments are to be effective for each fiscal year only to such extent and for such amounts as are specifically provided for such purpose in such appropriation Acts.

SEC. 6. Section 5(c) of the Peace Corps Act (22 U.S.C. 2504(c)) is amended by striking out "$75" and inserting in lieu thereof "$125".

Approved November 14, 1975.

LEGISLATIVE HISTORY:

HOUSE REPORT No. 94-267 (Comm. on International Relations).
SENATE REPORT No. 94-412 (Comm. on Foreign Relations).
CONGRESSIONAL RECORD, Vol. 121 (1975):
June 23, Oct. 28, Nov. 4, considered and passed House.
Oct. 9, Nov. 3, 5, considered and passed Senate.

Public Law 94-131
94th Congress

An Act

To carry into effect certain provisions of the Patent Cooperation Treaty, and for other purposes.

Nov. 14, 1975
[S. 24]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That title 35, United States Code, entitled "Patents", be amended by adding at the end thereof a new part IV to read as follows:

Patent cooperation.

"PART IV.—PATENT COOPERATION TREATY

"Chapter 35.—DEFINITIONS

"Sec.
"351. Definitions.

"§ 351. Definitions

35 USC 351.

"When used in this part unless the context otherwise indicates—

"(a) The term 'treaty' means the Patent Cooperation Treaty done at Washington, on June 19, 1970, excluding chapter II thereof.

"(b) The term 'Regulations', when capitalized, means the Regulations under the treaty excluding part C thereof, done at Washington on the same date as the treaty. The term 'regulations', when not capitalized, means the regulations established by the Commissioner under this title.

"(c) The term 'international application' means an application filed under the treaty.

"(d) The term 'international application originating in the United States' means an international application filed in the Patent Office when it is acting as a Receiving Office under the treaty, irrespective of whether or not the United States has been designated in that international application.

"(e) The term 'international application designating the United States' means an international application specifying the United States as a country in which a patent is sought, regardless where such international application is filed.

"(f) The term 'Receiving Office' means a national patent office or intergovernmental organization which receives and processes international applications as prescribed by the treaty and the Regulations.

"(g) The term 'International Searching Authority' means a national patent office or intergovernmental organization as appointed under the treaty which processes international applications as prescribed by the treaty and the Regulations.

"(h) The term 'International Bureau' means the international intergovernmental organization which is recognized as the coordinating body under the treaty and the Regulations.

"(i) Terms and expressions not defined in this part are to be taken in the sense indicated by the treaty and the Regulations.

"Chapter 36.—INTERNATIONAL STAGE

"Sec.
"361. Receiving Office.
"362. International Searching Authority.
"363. International application designating the United States: Effect.
"364. International stage: Procedure.
"365. Right of priority; benefit of the filing date of a prior application.
"366. Withdrawn international application.
"367. Actions of other authorities: Review.
"368. Secrecy of certain inventions; filing international applications in foreign countries.

35 USC 361.

"§ 361. Receiving Office

"(a) The Patent Office shall act as a Receiving Office for international applications filed by nationals or residents of the United States. In accordance with any agreement made between the United States and another country, the Patent Office may also act as a Receiving Office for international applications filed by residents or nationals of such country who are entitled to file international applications.

"(b) The Patent Office shall perform all acts connected with the discharge of duties required of a Receiving Office, including the collection of international fees and their transmittal to the International Bureau.

"(c) International applications filed in the Patent Office shall be in the English language.

"(d) The basic fee portion of the international fee, and the transmittal and search fees prescribed under section 376(a) of this part, shall be paid on filing of an international application. Payment of designation fees may be made on filing and shall be made not later than one year from the priority date of the international application.

Post, p. 690.

35 USC 362.

"§ 362. International Searching Authority

"The Patent Office may act as an International Searching Authority with respect to international applications in accordance with the terms and conditions of an agreement which may be concluded with the International Bureau.

35 USC 363.

"§ 363. International application designating the United States: Effect

"An international application designating the United States shall have the effect, from its international filing date under article 11 of the treaty, of a national application for patent regularly filed in the Patent Office except as otherwise provided in section 102(e) of this title.

Post, p. 691.

35 USC 364.

"§ 364. International stage: Procedure

"(a) International applications shall be processed by the Patent Office when acting as a Receiving Office or International Searching Authority, or both, in accordance with the applicable provisions of the treaty, the Regulations, and this title.

"(b) An applicant's failure to act within prescribed time limits in connection with requirements pertaining to a pending international application may be excused upon a showing satisfactory to the Commissioner of unavoidable delay, to the extent not precluded by the treaty and the Regulations, and provided the conditions imposed by the treaty and the Regulations regarding the excuse of such failure to act are complied with.

35 USC 365.

"§ 365. Right of priority; benefit of the filing date of a prior application

"(a) In accordance with the conditions and requirements of section 119 of this title, a national application shall be entitled to the right of

35 USC 119.

priority based on a prior filed international application which designated at least one country other than the United States.

"(b) In accordance with the conditions and requirement of the first paragraph of section 119 of this title and the treaty and the Regulations, an international application designating the United States shall be entitled to the right of priority based on a prior foreign application, or a prior international application designating at least one country other than the United States. 35 USC 119.

"(c) In accordance with the conditions and requirements of section 120 of this title, an international application designating the United States shall be entitled to the benefit of the filing date of a prior national application or a prior international application designating the United States, and a national application shall be entitled to the benefit of the filing date of a prior international application designating the United States. If any claim for the benefit of an earlier filing date is based on a prior international application which designated but did not originate in the United States, the Commissioner may require the filing in the Patent Office of a certified copy of such application together with a translation thereof into the English language, if it was filed in another language. *Post*, p. 692.

"§ 366. Withdrawn international application 35 USC 366.

"Subject to section 367 of this part, if an international application designating the United States is withdrawn or considered withdrawn, either generally or as to the United States, under the conditions of the treaty and the Regulations, before the applicant has complied with the applicable requirements prescribed by section 371(c) of this part, the designation of the United States shall have no effect and shall be considered as not having been made. However, such international application may serve as the basis for a claim of priority under section 365 (a) and (b) of this part, if it designated a country other than the United States. *Infra.*

"§ 367. Actions of other authorities: Review 35 USC 367.

"(a) Where a Receiving Office other than the Patent Office has refused to accord an international filing date to an international application designating the United States or where it has held such application to be withdrawn either generally or as to the United States, the applicant may request review of the matter by the Commissioner, on compliance with the requirements of and within the time limits specified by the treaty and the Regulations. Such review may result in a determination that such application be considered as pending in the national stage.

"(b) The review under subsection (a) of this section, subject to the same requirements and conditions, may also be requested in those instances where an international application designating the United States is considered withdrawn due to a finding by the International Bureau under article 12(3) of the treaty.

"§ 368. Secrecy of certain inventions; filing international applications in foreign countries 35 USC 368.

"(a) International applications filed in the Patent Office shall be subject to the provisions of chapter 17 of this title. 35 USC 181 *et seq.*

"(b) In accordance with article 27(8) of the treaty, the filing of an international application in a country other than the United States on the invention made in this country shall be considered to constitute the filing of an application in a foreign country within the meaning of chapter 17 of this title, whether or not the United States is designated in that international application.

"(c) If a license to file in a foreign country is refused or if an international application is ordered to be kept secret and a permit refused, the Patent Office when acting as a Receiving Office or International Searching Authority, or both, may not disclose the contents of such application to anyone not authorized to receive such disclosure.

"Chapter 37.—NATIONAL STAGE

"Sec.
"371. National stage: Commencement.
"372. National stage: Requirements and procedure.
"373. Improper applicant.
"374. Publication of international application: Effect.
"375. Patent issued on international application: Effect.
"376. Fees.

35 USC 371.

"§ 371. National stage: Commencement

"(a) Receipt from the International Bureau of copies of international applications with amendments to the claims, if any, and international search reports is required in the case of all international applications designating the United States, except those filed in the Patent Office.

"(b) Subject to subsection (f) of this section, the national stage shall commence with the expiration of the applicable time limit under article 22 (1) or (2) of the treaty, at which time the applicant shall have complied with the applicable requirements specified in subsection (c) of this section.

"(c) The applicant shall file in the Patent Office—

"(1) the national fee prescribed under section 376(a)(4) of this part;

"(2) a copy of the international application, unless not required under subsection (a) of this section or already received from the International Bureau, and a verified translation into the English language of the international application, if it was filed in another language;

"(3) amendments, if any, to the claims in the international application, made under article 19 of the treaty, unless such amendments have been communicated to the Patent Office by the International Bureau, and a translation into the English language if such amendments were made in another language;

35 USC 111 *et seq.* 35 USC 115.

"(4) an oath or declaration of the inventor (or other person authorized under chapter 11 of this title) complying with the requirements of section 115 of this title and with regulations prescribed for oaths or declarations of applicants.

"(d) Failure to comply with any of the requirements of subsection (c) of this section, within the time limit provided by article 22 (1) or (2) of the treaty shall result in abandonment of the international application.

"(e) After an international application has entered the national stage, no patent may be granted or refused thereon before the expiration of the applicable time limit under article 28 of the treaty, except with the express consent of the applicant. The applicant may present amendments to the specification, claims, and drawings of the application after the national stage has commenced.

"(f) At the express request of the applicant, the national stage of processing may be commenced at any time at which the application is in order for such purpose and the applicable requirements of subsection (c) of this section have been complied with.

"§ 372. National stage: Requirements and procedure 35 USC 372.

"(a) All questions of substance and, within the scope of the requirements of the treaty and Regulations, procedure in an international application designating the United States shall be determined as in the case of national applications regularly filed in the Patent Office.

"(b) In case of international applications designating but not originating in, the United States—

"(1) the Commissioner may cause to be reexamined questions relating to form and contents of the application in accordance with the requirements of the treaty and the Regulations;

"(2) the Commissioner may cause the question of unity of invention to be reexamined under section 121 of this title, within the scope of the requirements of the treaty and the Regulations. 35 USC 121.

"(c) Any claim not searched in the international stage in view of a holding, found to be justified by the Commissioner upon review, that the international application did not comply with the requirement for unity of invention under the treaty and the Regulations, shall be considered canceled, unless payment of a special fee is made by the applicant. Such special fee shall be paid with respect to each claim not searched in the international stage and shall be submitted not later than one month after a notice was sent to the applicant informing him that the said holding was deemed to be justified. The payment of the special fee shall not prevent the Commissioner from requiring that the international application be restricted to one of the inventions claimed therein under section 121 of this title, and within the scope of the requirements of the treaty and the Regulations.

"§ 373. Improper applicant 35 USC 373.

"An international application designating the United States, shall not be accepted by the Patent Office for the national stage if it was filed by anyone not qualified under chapter 11 of this title to be an applicant for the purpose of filing a national application in the United States. Such international applications shall not serve as the basis for the benefit of an earlier filing date under section 120 of this title in a subsequently filed application, but may serve as the basis for a claim of the right of priority under section 119 of this title, if the United States was not the sole country designated in such international application. 35 USC 111 *et seq.* *Post*, p. 692. 35 USC 119.

"§ 374. Publication of international application: Effect 35 USC 374.

"The publication under the treaty of an international application shall confer no rights and shall have no effect under this title other than that of a printed publication.

"§ 375. Patent issued on international application: Effect 35 USC 375.

"(a) A patent may be issued by the Commissioner based on an international application designating the United States, in accordance with the provisions of this title. Subject to section 102(e) of this title, such patent shall have the force and effect of a patent issued on a national application filed under the provisions of chapter 11 of this title. *Post*, p. 691.

"(b) Where due to an incorrect translation the scope of a patent granted on an international application designating the United States, which was not originally filed in the English language, exceeds the scope of the international application in its original language, a court of competent jurisdiction may retroactively limit the scope of the patent, by declaring it unenforceable to the extent that it exceeds the scope of the international application in its original language.

35 USC 376.

"§ 376. Fees

"(a) The required payment of the international fee, which amount is specified in the Regulations, shall be paid in United States currency. The Patent Office may also charge the following fees:

"(1) A transmittal fee (see section 361(d));

"(2) A search fee (see section 361(d));

"(3) A supplemental search fee (to be paid when required);

"(4) A national fee (see section 371(c));

"(5) A special fee (to be paid when required; see section 372 (c));

"(6) Such other fees as established by the Commissioner.

"(b) The amounts of fees specified in subsection (a) of this section, except the international fee, shall be prescribed by the Commissioner. He may refund any sum paid by mistake or in excess of the fees so specified, or if required under the treaty and the Regulations. The Commissioner may also refund any part of the search fee, where he determines such refund to be warranted.".

SEC. 2. Section 6 of title 35, United States Code, is amended by adding a paragraph (d) to read as follows:

"§ 6. Duties of Commissioner

* * * * * * *

"(d) The Commissioner, under the direction of the Secretary of Commerce, may, with the concurrence of the Secretary of State, allocate funds appropriated to the Patent Office, to the Department of State for the purpose of payment of the share on the part of the United States to the working capital fund established under the Patent Cooperation Treaty. Contributions to cover the share on the part of the United States of any operating deficits of the International Bureau under the Patent Cooperation Treaty shall be included in the annual budget of the Patent Office and may be transferred by the Commissioner, under the direction of the Secretary of Commerce, to the Department of State for the purpose of making payments thereof to the International Bureau.".

SEC. 3. Item 1 of section 41(a) of title 35, United States Code, is amended to read as follows:

"§ 41. Patent fees

"(a) The Commissioner shall charge the following fees:

"1. On filing each application for an original patent, except in design cases, $65; in addition on filing or on presentation at any other time, $10 for each claim in independent form which is in excess of one, and $2, for each claim (whether independent or dependent) which is in excess of ten. For the purpose of computing fees, a multiple dependent claim as referred to in section 112 of this title or any claim depending therefrom shall be considered as separate dependent claims in accordance with the number of claims to which reference is made. Errors in payment of the additional fees may be rectified in accordance with regulations of the Commissioner.".

Post, p. 691.

SEC. 4. Section 42 of title 35, United States Code, is amended to read as follows:

"§ 42. Payment of patent fees; return of excess amounts

"All patent fees shall be paid to the Commissioner who, except as provided in sections 361(b) and 376(b) of this title, shall deposit the same in the Treasury of the United States in such manner as the Secretary of the Treasury directs, and the Commissioner may refund any sum paid by mistake or in excess of the fee required by law.".

Ante, p. 686.
Supra.

SEC. 5. Paragraph (e) of section 102 of title 35, United States Code, is amended to read as follows:

"§ 102. Conditions for patentability; novelty and loss of right to patent

* * * * * * *

"(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent, or". *Ante*, p. 688.

SEC. 6. The first sentence of section 104 of title 35, United State Code, is amended to read as follows:

"§ 104. Invention made abroad

"In proceedings in the Patent Office and in the courts, an applicant for a patent, or a patentee, may not establish a date of invention by reference to knowledge or use thereof, or other activity with respect thereto, in a foreign country, except as provided in sections 119 and 365 of this title.". 35 USC 119.

SEC. 7. The second sentence of the second paragraph of section 112 of title 35, United States Code, is amended to read as follows: *Ante*, p. 686.

"§ 112. Specification

* * * * * * *

"A claim may be written in independent or, if the nature of the case admits, in dependent or multiple dependent form.

"Subject to the following paragraph, a claim in dependent form shall contain a reference to a claim previously set forth and then specify a further limitation of the subject matter claimed. A claim in dependent form shall be construed to incorporate by reference all the limitations of the claim to which it refers.

"A claim in multiple dependent form shall contain a reference, in the alternative only, to more than one claim previously set forth and then specify a further limitation of the subject matter claimed. A multiple dependent claim shall not serve as a basis for any other multiple dependent claim. A multiple dependent claim shall be construed to incorporate by reference all the limitations of the particular claim in relation to which it is being considered.".

SEC. 8. Section 113 of title 35, United States Code, is amended to read as follows:

"§ 113. Drawings

"The applicant shall furnish a drawing where necessary for the understanding of the subject matter sought to be patented. When the nature of such subject matter admits of illustration by a drawing and the applicant has not furnished such a drawing, the Commissioner may require its submission within a time period of not less than two months from the sending of a notice thereof. Drawings submitted after the filing date of the application may not be used (i) to overcome any insufficiency of the specification due to lack of an enabling disclosure or otherwise inadequate disclosure therein, or (ii) to supplement the original disclosure thereof for the purpose of interpretation of the scope of any claim.".

SEC. 9. Section 120 of title 35, United States Code, is amended to read as follows:

"§ 120. Benefit of earlier filing date in the United States

"An application for patent for an invention disclosed in the manner provided by the first paragraph of section 112 of this title in an application previously filed in the United States, or as provided by section 363 of this title, by the same inventor shall have the same effect, as to such invention, as though filed on the date of the prior application, if filed before the patenting or abandonment of or termination of proceedings on the first application or on an application similarly entitled to the benefit of the filing date of the first application and if it contains or is amended to contain a specific reference to the earlier filed application.".

Ante, p. 691.

Ante, p. 686.

SEC. 10. The first paragraph of section 282 of title 35, United States Code, is amended to read as follows:

"§ 282. Presumption of validity; defenses

"A patent shall be presumed valid. Each claim of a patent (whether in independent, dependent, or multiple dependent form) shall be presumed valid independently of the validity of other claims; dependent or multiple dependent claims shall be presumed valid even though dependent upon an invalid claim. The burden of establishing invalidity of a patent or any claim thereof shall rest on the party asserting such invalidity.".

Effective dates.
35 USC 351 note.

SEC. 11. (a) Section 1 of this Act shall come into force on the same day as the entry into force of the Patent Cooperation Treaty with respect to the United States. It shall apply to international and national applications filed on and after this effective date, even though entitled to the benefit of an earlier filing date, and to patents issued on such applications.

(b) Sections 2 to 10 of this Act shall take effect on the same day as section 1 of this Act and shall apply to all applications for patent actually filed in the United States on and after this effective date, as well as to international applications where applicable.

(c) Applications for patent on file in the Patent Office on the effective date of this Act, and patents issued on such applications, shall be governed by the provisions of title 35, United States Code, in effect immediately prior to the effective date of this Act.

Approved November 14, 1975.

LEGISLATIVE HISTORY:

HOUSE REPORT No. 94–592 (Comm. on the Judiciary).
SENATE REPORT No. 94–215 (Comm. on the Judiciary).
CONGRESSIONAL RECORD, Vol. 121 (1975):
June 21, considered and passed Senate.
Nov. 3, considered and passed House.

Public Law 94–132
94th Congress

An Act

To increase the temporary debt limitation until March 15, 1976.

Nov. 14, 1975
[H.R. 10585]

Public debt limit.
Temporary increase.
31 USC 757b note.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That during the period beginning on the date of the enactment of this Act and ending on March 15, 1976, the public debt limit set forth in the first sentence of section 21 of the Second Liberty Bond Act (31 U.S.C. 757b) shall be temporarily increased by $195,000,000,000.

SEC. 2. Effective on the date of the enactment of this Act, the first section of the Act of June 30, 1975, entitled "An Act to increase the temporary debt limitation until November 15, 1975" (Public Law 94–47), is hereby repealed.

Repeal; effective date.
31 USC 757b note.
Ante, p. 246.

Approved November 14, 1975.

LEGISLATIVE HISTORY:

HOUSE REPORT No. 94–647 (Comm. on Ways and Means).
CONGRESSIONAL RECORD, Vol. 121 (1975):
Nov. 12, 13, considered and passed House.
Nov. 13, considered and passed Senate.

Public Law 94–133
94th Congress

An Act

Nov. 14, 1975
[S. 2667]

To extend the Emergency Petroleum Allocation Act of 1973.

Emergency petroleum allocation, extension.
Ante, p. 481.
15 USC 753.
Effective date.
15 USC 753 note.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 4(g)(1) of the Emergency Petroleum Allocation Act of 1973 is amended by striking out each date specified therein and inserting in lieu thereof in each case "December 15, 1975".

SEC. 2. The amendments made in the first section of this Act to the Emergency Petroleum Allocation Act of 1973 shall take effect at midnight, November 15, 1975.

Approved November 14, 1975.

LEGISLATIVE HISTORY:

CONGRESSIONAL RECORD, Vol. 121 (1975):
Nov. 14, considered and passed Senate and House.

Public Law 94-134
94th Congress

An Act

Making appropriations for the Department of Transportation and related agencies for the fiscal year ending June 30, 1976, and the period ending September 30, 1976, and for other purposes.

Nov. 24, 1975
[H.R. 8365]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the following sums are appropriated, out of any money in the Treasury not otherwise appropriated, for the Department of Transportation and related agencies for the fiscal year ending June 30, 1976, and the period ending September 30, 1976, and for other purposes, namely:

Department of Transportation and Related Agencies Appropriation Act, 1976.

TITLE I

DEPARTMENT OF TRANSPORTATION

OFFICE OF THE SECRETARY

Salaries and Expenses

For necessary expenses of the Office of the Secretary of Transportation, including not to exceed $27,000 for allocation within the Department for official reception and representation expenses as the Secretary may determine, $32,550,000: *Provided*, That not to exceed $1,000,000 of the funds provided under this Act shall be available to enable the Office of the Secretary to lease and maintain automobile parking facilities in the Nassif Building for employees of the Department.

For "Salaries and expenses" for the period July 1, 1976, through September 30, 1976, including not to exceed $8,750 for allocation within the Department for official reception and representation expenses as the Secretary may determine, $8,930,000: *Provided*, That not to exceed $250,000 of the funds provided under this Act shall be available to enable the Office of the Secretary to lease and maintain automobile parking facilities in the Nassif Building for employees of the Department.

Transportation Planning, Research, and Development

For necessary expenses for conducting transportation planning, research, and development activities, including the collection of national transportation statistics, to remain available until expended, $28,000,000.

For "Transportation planning, research, and development" for the period July 1, 1976, through September 30, 1976, to remain available until expended, $7,000,000.

TRANSPORTATION RESEARCH ACTIVITIES OVERSEAS

(SPECIAL FOREIGN CURRENCY PROGRAM)

For payments in foreign currencies which the Treasury Department determines to be excess to the normal requirements of the United States, for necessary expenses for conducting transportation research activities overseas, as authorized by law, $250,000, to remain available until expended: *Provided*, That this appropriation shall be available, in addition to other appropriations to the Department, for payments in the foregoing currencies.

GRANTS-IN-AID FOR NATURAL GAS PIPELINE SAFETY

For grants-in-aid to carry out a pipeline safety program, as authorized by section 5 of the Natural Gas Pipeline Safety Act of 1968 (49 U.S.C. 1674), $1,650,000, to remain available until expended.

COAST GUARD

OPERATING EXPENSES

For necessary expenses for the operation and maintenance of the Coast Guard, not otherwise provided for; purchase of not to exceed sixteen passenger motor vehicles, for replacement only; and recreation and welfare; $718,341,000 of which $187,225 shall be applied to Capehart Housing debt reduction: *Provided*, That the number of aircraft on hand at any one time shall not exceed one hundred and seventy-nine exclusive of planes and parts stored to meet future attrition: *Provided further*, That amounts equal to the obligated balances against the appropriations for "Operating expenses" for the two preceding years, shall be transferred to and merged with this appropriation, and such merged appropriation shall be available as one fund, except for accounting purposes of the Coast Guard, for the payment of obligations properly incurred against such prior year appropriations and against this appropriation.

14 USC 92 note.

For "Operating expenses" for the period July 1, 1976, through September 30, 1976, $205,660,000 of which $48,061 shall be applied to Capehart Housing debt reduction: *Provided*, That amounts equal to the obligated balances against the appropriations for "Operating expenses" for the two preceding years, shall be transferred to and merged with this appropriation, and such merged appropriation shall be available as one fund, except for accounting purposes of the Coast Guard, for the payment of obligations properly incurred against such prior year appropriations and against this appropriation.

ACQUISITION, CONSTRUCTION, AND IMPROVEMENTS

For necessary expenses of acquisition, construction, rebuilding, and improvement of aids to navigation, shore facilities, vessels, and aircraft, including equipment related thereto; $156,100,000, to remain available until September 30, 1978.

For "Acquisition, construction, and improvements" for the period July 1, 1976, through September 30, 1976, $16,160,000, to remain available until September 30, 1978.

ALTERATION OF BRIDGES

For necessary expenses for alteration of obstructive bridges; $6,500,000, to remain available until expended.

For "Alteration of bridges" for the period July 1, 1976, through September 30, 1976, $1,625,000, to remain available until expended.

RETIRED PAY

For retired pay, including the payment of obligations therefor otherwise chargeable to lapsed appropriations for this purpose, and payments under the Retired Serviceman's Family Protection and Survivor Benefit Plans; $115,650,000.

For "Retired pay" for the period July 1, 1976, through September 30, 1976, $30,050,000.

RESERVE TRAINING

For all necessary expenses for the Coast Guard Reserve, as authorized by law; maintenance and operation of facilities; and supplies, equipment, and services; $31,200,000: *Provided*, That amounts equal to the obligated balances against the appropriations for "Reserve training" for the two preceding years shall be transferred to and merged with this appropriation, and such merged appropriation shall be available as one fund, except for accounting purposes of the Coast Guard, for the payment of obligations properly incurred against such prior year appropriations and against this appropriation.

For "Reserve training" for the period July 1, 1976, through September 30, 1976, $10,175,000: *Provided*, That amounts equal to the obligated balances against the appropriations for "Reserve training" for the two preceding years shall be transferred to and merged with this appropriation, and such merged appropriation shall be available as one fund, except for accounting purposes of the Coast Guard, for the payment of obligations properly incurred against such prior year appropriations and against this appropriation.

RESEARCH, DEVELOPMENT, TEST, AND EVALUATION

For necessary expenses, not otherwise provided for, for basic and applied scientific research, development, test, and evaluation; maintenance, rehabilitation, lease, and operation of facilities and equipment, as authorized by law; $18,600,000, to remain available until expended.

For "Research, development, test, and evaluation" for the period July 1, 1976, through September 30, 1976, $4,650,000, to remain available until expended.

STATE BOATING SAFETY ASSISTANCE

For financial assistance for State boating safety programs in accordance with the provisions of the Federal Boat Safety Act of 1971 (46 U.S.C. 1451 et seq.), $5,790,000, to remain available until expended.

COAST GUARD SUPPLY FUND

To increase the capital of the Coast Guard Supply Fund; $2,000,000, to remain available until expended.

POLLUTION FUND

For carrying out the provisions of subsections (c), (d), (i), and (l) of section 311 of the Federal Water Pollution Control Act Amendments of 1972 (Public Law 92-500), $10,000,000 to remain available until expended.

33 USC 1321.

FEDERAL AVIATION ADMINISTRATION

OPERATIONS

(INCLUDING TRANSFER OF FUNDS)

For necessary expenses of the Federal Aviation Administration, not otherwise provided for, including administrative expenses for research and development and for establishment of air navigation facilities, and carrying out the provisions of the Airport and Airway Development Act; purchase of four passenger motor vehicles for replacement only and purchase and repair of skis and snowshoes; $1,531,000,000, of which $6,000,000 is to be derived by transfer from the appropriation for "Civil supersonic aircraft development termination" and "Civil Supersonic aircraft development": *Provided*, That there may be credited to this appropriation, funds received from States, counties, municipalities, other public authorities, and private sources, for expenses incurred in the maintenance and operation of air navigation facilities.

For "Operations" for the period July 1, 1976, through September 30, 1976, $396,000,000: *Provided*, That there may be credited to this appropriation, funds received from States, counties, municipalities, other public authorities, and private sources, for expenses incurred in the maintenance and operation of air navigation facilities.

FACILITIES, ENGINEERING AND DEVELOPMENT

For necessary expenses of the Federal Aviation Administration, not otherwise provided for and for acquisition and modernization of facilities and equipment and service testing in accordance with the provisions of the Federal Aviation Act (49 U.S.C. 1301-1542), including construction of experimental facilities and acquisition of necessary sites by lease or grant, $12,250,000, to remain available until expended: *Provided*, That there may be credited to this appropriation, funds received from States, counties, municipalities, other public authorities, and private sources, for expenses incurred for engineering and development.

For "Facilities, engineering and development" for the period July 1, 1976, through September 30, 1976, $2,925,000, to remain available until expended: *Provided*, That there may be credited to this appropriation, funds received from States, counties, municipalities, other public authorities, and private sources, for expenses incurred for engineering and development.

RESEARCH, ENGINEERING AND DEVELOPMENT (AIRPORT AND AIRWAY TRUST FUND)

For necessary expenses, not otherwise provided, for research, engineering and development in accordance with the provisions of the Federal Aviation Act (49 U.S.C. 1301–1542), including construction of experimental facilities and acquisition of necessary sites by lease or grant; $67,500,000, to be derived from the Airport and Airway Trust Fund, to remain available until expended: *Provided*, That there may be credited to this appropriation funds received from States, counties, municipalities, other public authorities, and private sources, for expenses incurred for research, engineering and development.

For "Research, engineering and development (Airport and Airway Trust Fund)" for the period July 1, 1976, through September 30, 1976, $17,900,000, to be derived from the Airport and Airway Trust Fund, to remain available until expended: *Provided*, That there may be credited to this appropriation funds received from States, counties, municipalities, other public authorities, and private sources, for expenses incurred for research, engineering and development.

GRANTS-IN-AID FOR AIRPORTS (AIRPORT AND AIRWAY TRUST FUND)

For liquidation of obligations incurred for airport development under authority contained in section 14 of Public Law 91–258, as amended, to be derived from the Airport and Airway Trust Fund and to remain available until expended, $320,000,000. 49 USC 1714.

For liquidation of obligations incurred for airport development for the period July 1, 1976, through September 30, 1976, under authority contained in section 14 of Public Law 91–258, as amended, to be derived from the Airport and Airway Trust Fund and to remain available until expended, $49,500,000.

OPERATION AND MAINTENANCE, NATIONAL CAPITAL AIRPORTS

For expenses incident to the care, operation, maintenance, improvement, and protection of the federally owned civil airports in the vicinity of the District of Columbia, including purchase of ten passenger motor vehicles for police type use, for replacement only; and purchase of two motor bikes; purchase, cleaning, and repair of uniforms; and arms and ammunition: $17,527,000.

For "Operation and maintenance, National Capital Airports," including purchase of ten passenger motor vehicles for police type use, for replacement only; and purchase of two motor bikes for replacement only; purchase, cleaning, and repair of uniforms; and arms and ammunition for the period July 1, 1976, through September 30, 1976, $4,450,000.

CONSTRUCTION, NATIONAL CAPITAL AIRPORTS

For necessary expenses for construction at the federally owned civil airports in the vicinity of the District of Columbia, $11,625,000, to remain available until September 30, 1978.

AVIATION WAR RISK INSURANCE REVOLVING FUND

The Secretary of Transportation is hereby authorized to make such expenditures, within the limits of funds available pursuant to section 1306 of the Act of August 23, 1958 (49 U.S.C. 1536), and in accordance with section 104 of the Government Corporation Control Act, as amended (31 U.S.C. 849), as may be necessary in carrying out the programs set forth in the budget for the current fiscal year and the period July 1, 1976, through September 30, 1976, for aviation war risk insurance activities under said Act.

FEDERAL HIGHWAY ADMINISTRATION

LIMITATION ON GENERAL OPERATING EXPENSES

Necessary expenses for administration, operation, and research of the Federal Highway Administration not to exceed $142,480,000 shall be paid, in accordance with law, from appropriations made available by this Act to the Federal Highway Administration together with advances and reimbursements received by the Federal Highway Administration: *Provided*, That not to exceed $32,000,000 of the amount provided herein shall remain available until expended.

For "Limitation on general operating expenses" for the period July 1, 1976, through September 30, 1976, $33,666,000: *Provided*, That not to exceed $6,930,000 of the amount provided herein shall remain available until expended.

MOTOR CARRIER SAFETY

For necessary expenses to carry out motor carrier safety functions of the Secretary, as authorized by the Department of Transportation Act (80 Stat. 939-40), $6,500,000: *Provided*, That not to exceed $400,000 of the amount appropriated herein shall remain available until expended and not to exceed $878,000, shall be available for "Limitation on general operating expenses."

49 USC 1655.

For "Motor carrier safety" for the period July 1, 1976, through September 30, 1976, $1,625,000: *Provided*, That not to exceed $100,000 of the amount appropriated herein shall remain available until expended and not to exceed $225,000 shall be available for "Limitation on general operating expenses."

HIGHWAY SAFETY RESEARCH AND DEVELOPMENT

For necessary expenses in carrying out provisions of title 23, United States Code, including section 206(b) of the "Highway Safety Act of 1973," to be derived from the Highway Trust Fund, $9,000,000, to remain available until expended.

23 USC 151 note.

HIGHWAY BEAUTIFICATION (LIQUIDATION OF CONTRACT AUTHORIZATION)

For payment of obligations incurred in carrying out the provisions of title 23, United States Code, sections 131, 136, and 319(b), $30,000,000, to remain available until expended, together with $1,000,000 for necessary administrative expenses for carrying out such provisions of title 23, United States Code, as authorized by section 104(a) of the Federal-Aid Highway Act of 1973.

87 Stat. 251.

For "Highway beautification (liquidation of contract authorization)" for the period July 1, 1976, through September 30, 1976, $7,500,000, to remain available until expended.

HIGHWAY-RELATED SAFETY GRANTS (LIQUIDATION OF CONTRACT AUTHORIZATION)

For payment of obligations incurred in carrying out the provisions of title 23, United States Code, section 402, administered by the Federal Highway Administration, to remain available until expended, $15,000,000, of which $11,700,000 shall be derived from the Highway Trust Fund: *Provided*, That not to exceed $533,100 of the amount appropriated herein shall be available for "Limitation on general operating expenses".

For "Highway-related safety grants (liquidation of contract authorization)" for the period July 1, 1976, through September 30, 1976, to be derived from the Highway Trust Fund, $3,000,000, to remain available until expended: *Provided*, That not to exceed $130,000 of the amount appropriated herein shall be available for "Limitation on general operating expenses."

RAILROAD-HIGHWAY CROSSINGS DEMONSTRATION PROJECTS

(INCLUDING TRANSFER OF FUNDS)

For necessary expenses of railroad-highway crossings demonstration projects, as authorized by section 163 of the Federal-Aid Highway Act of 1973 and Title III of the National Mass Transportation Assistance Act of 1974, to remain available until expended, $15,220,000, to be derived by transfer from amounts available for obligation under sections 203 and 230 of the Highway Safety Act of 1973, together with $1,400,000, of which $933,333 shall be derived from the Highway Trust Fund.

23 USC 130 note.
49 USC 1605 note.
23 USC 130 note, 405.

RURAL HIGHWAY PUBLIC TRANSPORTATION DEMONSTRATION PROGRAM

For necessary expenses in carrying out the provisions of the "Federal-Aid Highway Act of 1973," section 147, to remain available until expended, $15,000,000, of which $10,000,000 shall be derived from the Highway Trust Fund.

23 USC 142 note.

TERRITORIAL HIGHWAYS (LIQUIDATION OF CONTRACT AUTHORIZATION)

For payment of obligations incurred in carrying out the provisions of title 23, United States Code, sections 215, 402, and 405, $4,000,000, to remain available until expended.

For "Territorial highways (liquidation of contract authorization)" for the period July 1, 1976, through September 30, 1976, $1,000,000, to remain available until expended.

DARIEN GAP HIGHWAY

For necessary expenses for construction of the Darien Gap Highway in accordance with the provisions of section 216 of title 23 of the United States Code, $4,900,000, including the purchase of not to exceed two passenger motor vehicles, to remain available until expended.

OFF-SYSTEM ROADS (LIQUIDATION OF CONTRACT AUTHORIZATION)

For payment of obligations incurred in carrying out the provisions of title 23, United States Code, section 219, $10,000,000, to remain available until expended: *Provided*, That not to exceed $300,000 of the amount appropriated herein shall be available for "Limitation on general operating expenses".

For "Off-system roads (liquidation of contract authorization)" for the period July 1, 1976, through September 30, 1976, $2,500,000, to remain available until expended.

FEDERAL-AID HIGHWAYS (LIQUIDATION OF CONTRACT AUTHORIZATION) (TRUST FUND)

For carrying out the provisions of title 23, United States Code, which are attributable to Federal-aid highways, not otherwise provided, including reimbursement for sums expended pursuant to the provisions of section 308, title 23, United States Code, $5,433,800,000 or so much thereof as may be available in and derived from the "Highway trust fund", to remain available until expended.

For "Federal-aid highways (liquidation of contract authorization) (trust fund)" for the period July 1, 1976, through September 30, 1976, $1,273,950,000, or so much thereof as may be available in and derived from the Highway Trust Fund, to remain available until expended.

HIGHWAY SAFETY CONSTRUCTION PROGRAMS (LIQUIDATION OF CONTRACT AUTHORIZATION) (TRUST FUND)

For payment of obligations incurred in carrying out the provisions of title 23, United States Code, sections 130, 144, 151, 152, 153, and 405, $300,000,000, to be derived from the Highway Trust Fund, to remain available until expended.

For "Highway safety construction programs (liquidation of contract authorization) (trust fund)" for the period July 1, 1976, through September 30, 1976, $75,000,000 to be derived from the Highway Trust Fund, to remain available until expended.

RIGHT-OF-WAY REVOLVING FUND (LIQUIDATION OF CONTRACT AUTHORIZATION) (TRUST FUND)

For payment of obligations incurred in carrying out the provisions of title 23 United States Code, section 108(c), as authorized by section 7(c) of the Federal-Aid Highway Act of 1968, to remain available until expended, $20,000,000, to be derived from the "Highway Trust Fund" at such times and in such amounts as may be necessary to meet current withdrawals.

For "Right-of-way revolving fund (liquidation of contract authorization) (trust fund)" for the period July 1, 1976, through September 30, 1976, to remain available until expended, $5,000,000, to be derived from the Highway Trust Fund at such times and in such amounts as may be necessary to meet current withdrawals.

OVERSEAS HIGHWAY

For necessary expenses for construction of the Overseas Highway in accordance with the provisions of section 118, "Federal-Aid Highway Amendments of 1974", to remain available until expended, $500,000, to be derived from the "Highway Trust Fund".

88 Stat. 2288.

ACCESS HIGHWAYS TO PUBLIC RECREATION AREAS ON CERTAIN LAKES

(INCLUDING RESCISSION)

For necessary expenses not otherwise provided, to carry out the provisions of section 115(a), "Federal-Aid Highway Amendments of 1974"; $10,000,000, to remain available until September 30, 1978: *Provided*, That any authority to incur obligations granted by section 115 of the Federal-Aid Highway Amendments of 1974 is hereby rescinded. 23 USC 155 note. 23 USC 101.

HIGHLAND SCENIC HIGHWAY (LIQUIDATION OF CONTRACT AUTHORIZATION) (TRUST FUND)

For payment of obligations incurred for construction of the Highland Scenic Highway in accordance with section 161 of Public Law 93-87 (87 Stat. 279), under authority of the provisions of title 23, United States Code, sections 203 and 207, and section 104(a)(8) of Public Law 93-87, $15,000,000, to be derived from the Highway Trust Fund and to remain available until expended, to be transferred to the Department of Interior for the payment of such obligations. 87 Stat. 251.

BIKEWAY PROGRAM

For necessary expenses to carry out the Bikeway Demonstration Program pursuant to section 119 of the Federal-Aid Highway Amendments of 1974, $6,000,000, to remain available until expended. 23 USC 217 note.

NATIONAL HIGHWAY TRAFFIC SAFETY ADMINISTRATION

TRAFFIC AND HIGHWAY SAFETY

For expenses necessary to discharge the functions of the Secretary with respect to traffic and highway safety and functions under the Motor Vehicle Information and Cost Savings Act (Public Law 92-513), $66,850,000, of which $28,904,000 shall be derived from the Highway Trust Fund: *Provided*, That not to exceed $26,280,000 shall remain available until expended, of which $9,825,000 shall be derived from the Highway Trust Fund for contractual requirements of Research and Analysis activities. 15 USC 1901 note.

STATE AND COMMUNITY HIGHWAY SAFETY (LIQUIDATION OF CONTRACT AUTHORIZATION)

For payment of obligations incurred in carrying out the provisions of title 23, United States Code, sections 402 and 406, to remain available until expended, $71,000,000, of which $69,000,000 shall be derived from the Highway Trust Fund.

For "State and community highway safety (liquidation of contract authorization)" for the period July 1, 1976, through September 30, 1976, $20,000,000, of which $19,500,000 shall be derived from the Highway Trust Fund.

FEDERAL RAILROAD ADMINISTRATION

Office of the Administrator

For necessary expenses of the Federal Railroad Administration, not otherwise provided for, $5,900,000.

For "Office of the Administrator" for the period July 1, 1976, through September 30, 1976, $1,400,000.

Railroad Safety

For necessary expenses in connection with railroad safety, not otherwise provided for, $16,200,000.

For "Railroad safety" for the period July 1, 1976, through September 30, 1976, $4,050,000.

Grants-in-Aid for Railroad Safety

For grants-in-aid to carry out a railroad safety program, $1,500,000, to remain available until expended.

For "Grants-in-aid for railroad safety" for the period July 1, 1976, through September 30, 1976, $375,000, to remain available until expended.

Railroad Research and Development

For necessary expenses for railroad research and development, $61,150,000, to remain available until expended: *Provided*, That there may be credited to this appropriation, funds received from private sources and foreign countries for expenses incurred in testing items of equipment which are proprietary to the private source or foreign country.

For "Railroad research and development" for the period July 1, 1976, through September 30, 1976, to remain available until expended, $13,650,000: *Provided*, That there may be credited to this appropriation, funds received from private sources and foreign countries for expenses incurred in testing items of equipment which are proprietary to the private source or foreign country.

Rail Service Assistance

For necessary expenses for "Interim operating assistance," $60,000,000, and "Rail service continuation subsidies," $25,000,000, under sections 213(b) and 402(i) of the Regional Rail Reorganization Act of 1973, to remain available until expended.

45 USC 723, 762.

For "Rail Service Assistance" for the period July 1, 1976, through September 30, 1976, $8,600,000, to remain available until expended.

Grants to the National Railroad Passenger Corporation

To enable the Secretary of Transportation to make grants to the National Railroad Passenger Corporation, $440,000,000, to remain available until expended, of which not more than $328,800,000 shall be available for operating losses incurred by the Corporation, and of which $1,500,000, shall be available for a rail passenger terminal and facilities at Baltimore-Washington International Airport.

For "Grants to the National Railroad Passenger Corporation" for the period July 1, 1976, through September 30, 1976, $124,700,000, to remain available until expended, of which not more than $99,700,000 shall be available for operating losses incurred by the Corporation.

RAIL TRANSPORTATION EMPLOYMENT AND IMPROVEMENT

To enable the Secretary of Transportation to make grants for programs aimed at reducing unemployment and at repairing, rehabilitating, or improving essential railroad roadbeds and facilities, $90,000,000 to remain available until December 31, 1976: *Provided*, That this appropriation shall be available only upon the enactment into law of authorizing legislation by the Ninety-fourth Congress.

For "Rail Transportation Employment and Improvement" for the period July 1, 1976, through September 30, 1976, $18,000,000, to remain available until December 31, 1976: *Provided*, That this appropriation shall be available only upon the enactment into law of authorizing legislation by the Ninety-fourth Congress.

THE ALASKA RAILROAD

ALASKA RAILROAD REVOLVING FUND

The Alaska Railroad Revolving Fund shall continue available until expended for the work authorized by law, including operation and maintenance of oceangoing or coastwise vessels by ownership, charter, or arrangement with other branches of the Government service, for the purpose of providing additional facilities for transportation of freight, passengers, or mail, when deemed necessary for the benefit and development of industries or travel in the area served; and payment of compensation and expenses as authorized by 5 U.S.C. 8146, to be reimbursed as therein provided: *Provided*, That no employee shall be paid an annual salary out of said fund in excess of the salaries prescribed by the Classification Act of 1949, as amended, for grade GS-15, except the general manager of said railroad, one assistant general manager at not to exceed the salaries prescribed by said Act for GS-17, and five officers at not to exceed the salaries prescribed by said Act for grade GS-16. 5 USC 5332 note.

PAYMENT TO THE ALASKA RAILROAD REVOLVING FUND

For payment to the Alaska Railroad Revolving Fund for capital replacements, improvements, and maintenance, $9,000,000, to remain available until expended: *Provided*, That the permanent positions authorized under the Alaska Railroad Revolving Fund shall be established at 902 and excluded from staffing limitations otherwise applicable.

URBAN MASS TRANSPORTATION ADMINISTRATION

URBAN MASS TRANSPORTATION FUND

ADMINISTRATIVE EXPENSES

For necessary administrative expenses of the urban mass transportation program authorized by the Urban Mass Transportation Act of 1964 (49 U.S.C. 1601 et seq., as amended by Public Law 91-453 and Public Law 93-503) and the Federal-Aid Highway Act of 1973 (Public Law 93-87) in connection with the activities, including uniforms and allowances therefor, as authorized by law (5 U.S.C. 5901-5902); hire of passenger motor vehicle; and services as authorized by 5 U.S.C. 3109; $10,300,000. 49 USC 1601b note. 87 Stat. 251.

For "Administrative expenses" for the period July 1, 1976, to September 30, 1976; $2,900,000.

RESEARCH, DEVELOPMENT, AND DEMONSTRATIONS AND UNIVERSITY RESEARCH AND TRAINING

For an additional amount for the urban mass transportation program, as authorized by the Urban Mass Transportation Act of 1964, as amended (49 U.S.C. 1601 et seq.), to remain available until expended; $54,000,000: *Provided*, That $43,900,000 shall be available for research, development, and demonstrations, $2,000,000 shall be available for university research and training, not to exceed $600,000 shall be available for managerial training as authorized under the authority of the said Act, and not to exceed $7,500,000 shall be available for transit related Bicentennial projects in the Washington, D.C. metropolitan area.

For "Research, development and demonstrations and university research and training" for the period July 1, 1976, to September 30, 1976; to remain available until expended; $11,500,000: *Provided*, That $10,850,000 shall be available for research, development, and demonstrations, $500,000 shall be available for university research and training, and $150,000 shall be available for managerial training.

LIQUIDATION OF CONTRACT AUTHORIZATION

For payment to the urban mass transportation fund, for liquidation of contractual obligations incurred under authority of the Urban Mass Transportation Act of 1964 (49 U.S.C. 1601 et seq., as amended by Public Law 91-453 and Public Law 93-503) and sections 103(e)(4) and 142(c) of title 23, United States Code; $890,300,000, to remain available until expended.

49 USC 1601b note.

For "Liquidation of contract authorization" for the period July 1, 1976, to September 30, 1976, $275,000,000, to remain available until expended.

SAINT LAWRENCE SEAWAY DEVELOPMENT CORPORATION

The Saint Lawrence Seaway Development Corporation is hereby authorized to make such expenditures, within the limits of funds and borrowing authority available to such Corporation, and in accord with law, and to make such contracts and commitments without regard to fiscal year limitations as provided by section 104 of the Government Corporation Control Act, as amended, as may be necessary in carrying out the programs set forth in the budget for the current fiscal year for such Corporation except as hereinafter provided.

31 USC 849.

LIMITATION ON ADMINISTRATIVE EXPENSES, SAINT LAWRENCE SEAWAY DEVELOPMENT CORPORATION

Not to exceed $923,000 shall be available for administrative expenses which shall be computed on an accrual basis, including not to exceed $3,000 for official entertainment expenses to be expended upon the approval or authority of the Secretary of Transportation: *Provided*, That Corporation funds shall be available for the hire of passenger motor vehicles and aircraft, operation and maintenance of aircraft, uniforms or allowances therefor for operation and maintenance personnel, as authorized by law (5 U.S.C. 5901-5902), and $15,000 for services as authorized by 5 U.S.C. 3109.

For the period July 1, 1976, through September 30, 1976, not to exceed $250,000 shall be available for administrative expenses which shall be computed on an accrual basis, including not to exceed $750 for official entertainment expenses to be expended upon the approval or authority of the Secretary of Transportation: *Provided*, That Corporation funds shall be available for the hire of passenger motor vehicles and aircraft, operation and maintenance of aircraft, uniforms or allowances therefor for operation and maintenance personnel, as authorized by law (5 U.S.C. 5901–5902), and $3,750 for services as authorized by 5 U.S.C. 3109.

TITLE II

RELATED AGENCIES

NATIONAL TRANSPORTATION SAFETY BOARD

Salaries and Expenses

For necessary expenses of the National Transportation Safety Board, $11,260,000.

For "Salaries and expenses" for the period July 1, 1976, through September 30, 1976, $3,095,000.

CIVIL AERONAUTICS BOARD

Salaries and Expenses

For necessary expenses of the Civil Aeronautics Board, including hire of aircraft; hire of passenger motor vehicles; services as authorized by 5 U.S.C. 3109; uniforms, or allowances therefor, as authorized by law (5 U.S.C. 5901–5902); and not to exceed $1,000 for official reception and representation expenses, $19,295,000.

For "Salaries and expenses" for the period July 1, 1976, through September 30, 1976, including hire of aircraft; hire of passenger motor vehicles; services as authorized by 5 U.S.C. 3109, uniforms or allowances therefor, as authorized by law (5 U.S.C. 5901–5902); and not to exceed $250 for official reception and representation expenses, $4,750,000.

Payments to Air Carriers

For payments to air carriers of so much of the compensation fixed and determined by the Civil Aeronautics Board under section 406 of the Federal Aviation Act of 1958 (49 U.S.C. 1376), as is payable by the Board, $60,695,000, to remain available until expended.

For "Payments to air carriers" for the period July 1, 1976, through September 30, 1976, $15,150,000, to remain available until expended.

INTERSTATE COMMERCE COMMISSION

Salaries and Expenses

For necessary expenses of the Interstate Commerce Commission, including services as authorized by 5 U.S.C. 3109, $49,330,000, of which $150,000 shall be available for valuation of pipelines, and of which $1,100,000 shall be available for necessary expenses of the Rail Services Planning Office to carry out the powers and duties authorized by the Regional Rail Reorganization Act of 1973: *Provided*, That Joint

45 USC 701 note.
49 USC 305a.

49 USC 305a.

Board members and cooperating State commissioners may use Government transportation requests when traveling in connection with their duties as such.

For "Salaries and expenses" for the period July 1, 1976, through September 30, 1976, $12,290,000.

PAYMENTS FOR DIRECTED RAIL SERVICE

For payments for rail service to railroads directed to provide emergency rail service over the properties of other carriers in accordance with 49 U.S.C. 1(16)(b), $15,000,000, to remain available until expended: *Provided*, That not to exceed $750,000 of this appropriation shall be available for necessary independent auditing expenses incurred in the administration of the directed rail service program.

THE PANAMA CANAL

CANAL ZONE GOVERNMENT

OPERATING EXPENSES

For operating expenses necessary for the Canal Zone Government, including operation of the Postal Service of the Canal Zone; hire of passenger motor vehicles; uniforms or allowances therefor, as authorized by law (5 U.S.C. 5901–5902); expenses incident to conducting hearings on the Isthmus; expenses of special training of employees of the Canal Zone Government as authorized by 5 U.S.C. 4101–4118, contingencies of the Governor, residence for the Governor; medical aid and support of the insane and of lepers and aid and support of indigent persons legally within the Canal Zone, including expenses of their deportation when practicable; and maintaining and altering facilities of other Government agencies in the Canal Zone for Canal Zone Government use, $59,800,000.

For "Operating expenses" for the period July 1, 1976, through September 30, 1976, $15,900,000.

CAPITAL OUTLAY

For acquisition of land and land under water and acquisition, construction, and replacement of improvements, facilities, structures, and equipment, as authorized by law (2 C.Z. Code, sec. 2; 2 C.Z. Code, sec. 371), including the purchase of not to exceed eighteen passenger motor vehicles for replacement only; improving facilities of other Government agencies in the Canal Zone for Canal Zone Government use; and expenses incident to the retirement of such assets; $2,240,000, to remain available until expended.

For "Capital outlay" for the period July 1, 1976, through September 30, 1976, $560,000, to remain available until expended.

PANAMA CANAL COMPANY

CORPORATION

The Panama Canal Company is hereby authorized to make such expenditures within the limits of funds and borrowing authority available to it and in accordance with law, and to make such contracts and commitments without regard to fiscal year limitations as provided by section 104 of the Government Corporation Control Act, as

amended (31 U.S.C. 849), as may be necessary in carrying out the programs set forth in the budget for the current fiscal year and for the period ending September 30, 1976, for such corporation, including maintaining and improving facilities of other Government agencies in the Canal Zone for Panama Canal Company use.

LIMITATION ON GENERAL AND ADMINISTRATIVE EXPENSES

Not to exceed $24,371,000 of the funds available to the Panama Canal Company shall be available for obligation during the current fiscal year for general and administrative expenses of the Company, including operation of tourist vessels and guide services. Funds available to the Panama Canal Company for obligation shall be available for the purchase of not to exceed twenty-three passenger motor vehicles, for replacement only, and for uniforms or allowances therefor as authorized by law (5 U.S.C. 5901–5902).

For "General and administrative expenses" for the period July 1, 1976, through September 30, 1976, $6,540,000.

UNITED STATES RAILWAY ASSOCIATION

ADMINISTRATIVE EXPENSES

For necessary administrative expenses to enable the United States Railway Association to carry out its functions under the Regional Rail Reorganization Act of 1973, $10,000,000, to remain available until expended. 45 USC 701 note.

WASHINGTON METROPOLITAN AREA TRANSIT AUTHORITY

FEDERAL CONTRIBUTION

To enable the Department of Transportation to pay the Washington Metropolitan Area Transit Authority, as part of the Federal contribution toward expenses necessary to design, engineer, construct, and equip a rail rapid transit system, as authorized by the National Capital Transportation Act of 1969 (Public Law 91–143), as amended, including acquisition of rights-of-way, land, and interest therein, to remain available until expended $90,059,000 for the fiscal year 1977, and for the fiscal year 1976, $9,500,000 for the design and construction of facilities for the handicapped as authorized by Public Law 93–87. D.C. Code 1–1441 note. 23 USC 101 note.

For "Federal contribution" for the period July 1, 1976, through September 30, 1976, $26,700,000.

INTEREST SUBSIDY

To enable the Department of Transportation to pay the Washington Metropolitan Area Transit Authority the interest subsidy authorized by Public Law 92–349, $22,200,000, to remain available until expended. 86 Stat. 464.

TITLE III

GENERAL PROVISIONS

SEC. 301. During the current fiscal year and the period July 1, 1976, through September 30, 1976, applicable appropriations to the Department of Transportation shall be available for maintenance and operation of aircraft; hire of passenger motor vehicles and aircraft; and uniforms, or allowances therefor, as authorized by law (5 U.S.C. 5901–5902).

SEC. 302. None of the funds provided in this Act shall be available for administrative expenses in connection with commitments for grants-in-aid for airport development aggregating more than $350,000,000 in fiscal year 1976 and $87,500,000 for the period July 1, 1976, through September 30, 1976.

SEC. 303. None of the funds provided under this Act shall be available for the planning or execution of programs the obligations for which are in excess of $40,000,000 for "Highway Beautification" in fiscal year 1976 and for the period July 1, 1976, through September 30, 1976.

SEC. 304. None of the funds provided under this Act shall be available for the planning or execution of programs the obligations for which are in excess of $120,000,000 in fiscal year 1976 and $30,000,000 for the period July 1, 1976, through September 30, 1976, for "State and Community Highway Safety" and "Highway-Related Safety Grants".

SEC. 305. None of the funds provided under this Act shall be available for the planning or execution of programs the obligations for which are in excess of $4,600,000 in fiscal year 1976 and $1,150,000 for the period July 1, 1976, through September 30, 1976, for "Territorial Highways".

SEC. 306. None of the funds provided in this Act shall be available for administrative expenses in connection with commitments for the Urban Mass Transportation Act of 1964, as amended, aggregating more than $1,707,150,000 in fiscal year 1976 and $395,700,000 in the transition period, except that amounts apportioned pursuant to section 5 of that Act and not committed in the year of apportionment may be committed notwithstanding this limitation.

Everglades National Park, Fla. Ecological study.

SEC. 307. None of the funds provided under this Act shall be available for the planning or execution of programs for any further construction of the Miami jetport or of any other air facility in the State of Florida lying south of the Okeechobee Waterway and in the drainage basins contributing water to the Everglades National Park until it has been shown by an appropriate study made jointly by the Department of the Interior and the Department of Transportation that such an airport will not have an adverse environmental effect on the ecology of the Everglades and until any site selected on the basis of such study is approved by the Department of the Interior and the Department of Transportation: *Provided*, That nothing in this section shall affect the availability of such funds to carry out this study.

SEC. 308. The Governor of the Canal Zone is authorized to employ services as authorized by 5 U.S.C. 3109, in an amount not exceeding $150,000.

SEC. 309. Funds appropriated for operating expenses of the Canal Zone Government may be apportioned notwithstanding section 3679 of the Revised Statutes, as amended (31 U.S.C. 665), to the extent necessary to permit payment of such pay increases for officers or employees as may be authorized by administrative action pursuant to law which are not in excess of statutory increases granted for the same period in corresponding rates of compensation for other employees of the Government in comparable positions.

FAA personnel, dependents' school expenses.
20 USC 241 note.

SEC. 310. Funds appropriated under this Act for expenditure by the Federal Aviation Administration shall be available (1) for expenses of primary and secondary schooling for dependents of Federal Aviation Administration personnel stationed outside the continental United States at costs for any given area not in excess of those of the Department of Defense for the same area, when it is determined by the Secretary that the schools, if any, available in the locality are unable to provide adequately for the education of such dependents and (2) for transportation of said dependents between schools serving the area which they attend and their places of residence when the Secretary, under such regulations as he may prescribe, determines that such schools are not accessible by public means of transportation on a regular basis.

SEC. 311. Appropriations contained in this Act for the Department of Transportation shall be available for services as authorized by 5 U.S.C. 3109, but at rates for individuals not to exceed the per diem rate equivalent to the rate for a GS–18.

5 USC 5332 note.

SEC. 312. None of the funds in this Act shall be available for the implementation or execution of a program in the Department of Transportation to collect fees, charges or prices for approvals, tests, authorizations, certificates, permits, registrations, and ratings which are in excess of the levels in effect on January 1, 1973, or which did not exist as of January 1, 1973, until such program is reviewed and approved by the appropriate committees of the Congress.

Standard level user changes, limitation.

SEC. 313. No part of any appropriation contained in this Act shall be available for paying to the Administrator of the General Services Administration in excess of 90 percent of the standard level user charge established pursuant to section 210(j) of the Federal Property and Administrative Services Act of 1949, as amended, for space and services.

40 USC 490.

SEC. 314. None of the funds provided in this Act for liquidation of contractual obligations under the Urban Mass Transportation Act of 1964, as amended, shall be made available for liquidation of obligations entered into under Section 5 of that Act, to support mass transit facilities, equipment or operating expenses unless the applicant for such assistance has given satisfactory assurances in such manner and form as the Secretary may require, and in accordance with such terms and conditions as the Secretary may prescribe, that the rates charges elderly and handicapped persons during nonpeak hours shall not exceed one-half of the rates generally applicable to other persons at peak hours: *Provided*, That the Secretary, in prescribing the terms and conditions for the provision of such assistance shall (1) permit applicants to continue the use of preferential fare systems for elderly or handicapped persons where those systems were in effect on or prior to November 26, 1974, (2) allow applicants a reasonable time, not to exceed 120 days, to expand the coverage of operating preferential fare systems as appropriate, and (3) allow applicants to define the eligibility of "handicapped persons" for the purposes of preferential fares in conformity with other Federal laws and regulations governing eligibility for benefits for disabled persons.

49 USC 1601 note.
49 USC 1604.

Fiscal year limitation.

SEC. 315. No part of any appropriation contained in this Act shall remain available for obligation beyond the current fiscal year unless expressly so provided herein, except as provided in section 204 of the Supplemental Appropriation Act, 1975 (Public Law 93–554).

88 Stat. 1784.

SEC. 316. None of the funds provided under or included in this Act shall be available for the planning or execution of programs, the obligations for which are in excess of $9,000,000,000 for "Federal-Aid Highways" and for "Highway Safety Construction Programs" in fiscal year 1976 and for the period July 1, 1976, through September 30, 1976: *Provided*, That this limitation shall not apply to obligations for emergency relief under section 125 of title 23, United States Code; special urban high density traffic program under section 146 of title 23, United States Code, and special bridge replacement program under section 144 of title 23, United States Code.

Short title.

This Act may be cited as the "Department of Transportation and Related Agencies Appropriation Act, 1976, and the period ending September 30, 1976."

Approved November 24, 1975.

LEGISLATIVE HISTORY:

HOUSE REPORTS: No. 94–331 (Comm. on Appropriations) and No. 94–636 (Comm. of Conference).

SENATE REPORT 94–291 (Comm. on Appropriations).

CONGRESSIONAL RECORD, Vol. 121 (1975):

July 10, considered and passed House.

July 25, considered and passed Senate, amended.

Nov. 11, House agreed to conference report; concurred in Senate amendments with amendments.

Nov. 12, Senate agreed to conference report; concurred in House amendments.

Public Law 94-135
94th Congress

An Act

To amend the Older Americans Act of 1965 to establish certain social services programs for older Americans and to extend the authorizations of appropriations contained in such Act, to prohibit discrimination on the basis of age, and for other purposes.

Nov. 28, 1975
[H.R. 3922]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Older Americans Amendments of 1975".

Older Americans Amendments of 1975.
42 USC 3001 note.

TITLE I—AMENDMENTS TO OLDER AMERICANS ACT OF 1965

TRANSMISSION OF CERTAIN RECOMMENDATIONS RELATING TO FEDERAL COUNCIL OF AGING

SEC. 101. (a) Section 205(g) of the Older Americans Act of 1965 (42 U.S.C. 3015(g)) (hereinafter in this title referred to as the "Act") is amended by striking out "eighteen months after enactment of this Act" and inserting in lieu thereof "January 1, 1976,".

(b) Section 205(h) of the Act (42 U.S.C. 3015(h)) is amended by striking out "eighteen months after enactment of this Act," and inserting in lieu thereof "January 1, 1976,".

APPLICATION OF OTHER LAWS

SEC. 102. Title II of the Act (42 U.S.C. 3011 et seq.) is amended by adding at the end thereof the following new section:

"APPLICATION OF OTHER LAWS

"SEC. 211. The provisions and requirements of the Act of December 5, 1974 (Public Law 93-510; 88 Stat. 1604) shall not apply to the administration of the provisions of this Act or to the administration of any program or activity under this Act.".

42 USC 3020a.
42 USC 4251 note.

DEFINITION OF SOCIAL SERVICES

SEC. 103. Section 302(1) of the Act (42 U.S.C. 3022(1)) is amended—

(1) in subparagraph (E) thereof, by striking out "or" at the end thereof; and

(2) by redesignating subparagraph (F) as subparagraph (H) and by inserting immediately after subparagraph (E) the following new subparagraphs:

"(F) services designed to provide legal and other counseling services and assistance, including tax counseling and assistance and financial counseling, to older persons;

"(G) services designed to enable older persons to attain and maintain physical and mental well being through programs of regular physical activity and exercise; or".

GRANTS TO INDIAN TRIBES

SEC. 104. (a) Section 303(b) of the Act (42 U.S.C. 3023(b)) is amended by redesignating paragraph (3) as paragraph (4) and by inserting immediately after paragraph (2) the following new paragraph:

"(3) (A) In any State in which the Commissioner determines (after having taken into account the amount of funds available to the State agency or to an appropriate area agency on aging to carry out the purposes of this title) that the members of an Indian tribe are not receiving benefits under this title that are equivalent to benefits provided to other older persons in the State or appropriate area, and if he further determines that the members of such tribe would be better served by means of grants made directly to provide such benefits, he shall reserve from sums that would otherwise be allotted to such State under paragraph (2) not less than 100 per centum nor more than 150 per centum of an amount which bears the same ratio to the State's allotment for the fiscal year involved as the population of all Indians aged sixty or over for whom a determination under this paragraph has been made bears to the population of all persons aged sixty or over in such State.

"(B) The sums reserved by the Commissioner on the basis of his determination under this paragraph shall be granted to the tribal organization serving the individuals for whom such a determination has been made, or where there is no tribal organization, to such other entity as he determines has the capacity to provide services pursuant to this title.

"(C) In order for a tribal organization or other entity to be eligible for a grant for a fiscal year under this paragraph, it shall submit to the Commissioner a plan for such fiscal year which meets such criteria as the Commissioner may prescribe by regulation and which meets
42 USC 3025. criteria established by section 305(a), to the extent the Commissioner determines such criteria to be appropriate.

"(D) Recipients of grants under this paragraph may retain for administrative purposes an amount equal to the amount available for
42 USC 3023. the cost of the administration of area plans under section 303(e)(1).".

Definitions. (b) Section 102 of the Act (42 U.S.C. 3002) is amended by adding at the end thereof the following new paragraphs:

"(4) The term 'Indian' means a person who is a member of an Indian tribe.

"(5) The term 'Indian tribe' means any tribe, band, nation, or other organized group or community of Indians (including any Alaska Native village or regional or village corporation as defined in or established pursuant to the Alaska Native Claims Settlement Act (Public
43 USC 1602. Law 92-203; 85 Stat. 688)) which (A) is recognized as eligible for the special programs and services provided by the United States to Indians because of their status as Indians; or (B) is located on, or in proximity to, a Federal or State reservation or rancheria.

"(6) The term 'tribal organization' means the recognized governing body of any Indian tribe, or any legally established organization of Indians which is controlled, sanctioned, or chartered by such governing body. In any case in which a contract is let or grant made to an organization to perform services benefiting more than one Indian tribe, the approval of each such Indian tribe shall be a prerequisite to the letting or making of such contract or grant.".

(c) The first sentence of section 303(b)(2) of the Act (42 U.S.C. 3023(b)(2)) is amended by striking out "From" and inserting in lieu thereof "Subject to the provisions of paragraph (3), from".

(d) Section 303(b)(4) of the Act (42 U.S.C. 3023(b)(4)), as so redesignated by subsection (a), is amended by inserting immediately after "States" a comma and the following: "and the number of Indians aged sixty or over on, or in proximity to, any Federal or State reservation or rancheria".

AREA PLAN REQUIREMENTS

SEC. 105. (a) Section 304(c)(4) of the Act (42 U.S.C. 3024(c)(4)) is amended by striking out subparagraph (C) and by redesignating subparagraph (D) through subparagraph (F) as subparagraph (C) through subparagraph (E), respectively.

(b) Section 304 of the Act (42 U.S.C. 3024) is amended by inserting after subsection (c) the following new subsection:

"(d)(1) Subject to regulations prescribed by the Secretary of Health, Education, and Welfare, an area agency on aging designated under subsection (a) or, in areas of a State where no such agency has been designated, the State agency, is authorized to enter into agreements with agencies administering programs under the Rehabilitation Act of 1973, and titles VI, XIX, and XX of the Social Security Act for the purpose of developing and implementing plans for meeting the common need for transportation services of persons receiving benefits under such Acts and older persons participating in programs authorized by titles III and VII of this Act.

29 USC 701 note. 42 USC 801, 1396, 1397.

"(2) Pursuant to an agreement entered into under paragraph (1), funds appropriated under titles III and VII of this Act may be used to purchase transportation services for older persons and may be pooled with funds made available for the provision of transportation services under the Rehabilitation Act of 1973, and titles VI, XIX, and XX of the Social Security Act.".

42 USC 3021, 3045. Transportation services, funds.

NATIONAL PRIORITY SERVICES

SEC. 106. (a) Section 305(a) of the Act (42 U.S.C. 3025(a)) is amended by striking out "and" immediately after the semicolon in paragraph (8), by striking out the period at the end of paragraph (9) and inserting in lieu thereof a semicolon and "and", and by inserting the following new paragraph immediately after paragraph (9):

"(10) provides assurances in such form as the Commissioner shall prescribe that of the funds alloted to the State under section 303(b) in any fiscal year to carry out the State plan, not less than 50 per centum of the amount by which such allotment exceeds the allotment made for the same purpose in the fiscal year ending June 30, 1975, shall be used for the purposes set forth in section 305(b), except with respect to any State which provides assurances found satisfactory by the Commissioner that at least 33⅓ per centum of the total amount allotted to the State under section 303(b) to carry out the State plan in any fiscal year shall be used for the purposes set forth in section 305(b), but in no case shall less than 20 per centum of the funds allotted to any State under section 303(b) to carry out the State plan in any fiscal year beginning after September 30, 1976, be used for the purposes set forth in section 305(b).".

(b) Section 305(a) of the Act (42 U.S.C. 3025(a)) is amended by redesignating subsections (b), (c), (d), and (e) as subsections (c), (d), (e), and (f), respectively, and by inserting the following new subsection immediately after subsection (a):

"(b) Every State plan shall provide for the establishment or maintenance of programs (including related training) for the provision of some or all of the following services designed to assist older persons in leading independent lives and avoiding unnecessary institutionalization:

"(1) Transportation services.

"(2) Home services, including homemaker services, home health services, shopping services, escort services, reader services, letter writing services, and other services designed to assist such persons to continue living independently in a home environment.

"(3) Legal and other counseling services and assistance programs, including tax counseling and assistance and financial counseling, for older persons.

"(4) Residential repair and renovation programs designed to enable older persons to maintain their homes in conformity with minimum housing standards or to adapt homes to meet the needs of elderly persons suffering from physical disabilities.".

(c) Section 304(c)(2) of the Act (42 U.S.C. 3024(c)(2)) is amended by inserting immediately after "priorities," the following: "and consistent with the provisions of the State plan relating to the services required to be provided under section 305(a)(10),".

42 USC 3025.

ADMINISTRATION OF STATE PLANS

SEC. 107. (a) Section 306(b)(1) of the Act (42 U.S.C. 3026(b)(1)) is amended by striking out "$160,000" in clause (A) and inserting in lieu thereof "$200,000", and by striking out "$50,000" in clause (B) and inserting in lieu thereof "$62,500".

Application for additional funds.

(b) Section 306(b) of the Act (42 U.S.C. 3026(b)) is amended by redesignating paragraph (2) as paragraph (4), and by inserting immediately after paragraph (1) the following new paragraphs:

"(2)(A) Any State which desires to receive amounts, in addition to amounts allotted to such State under paragraph (1), to be used in the administration of its State plan in accordance with subsection (a) may transmit an application to the Commissioner in accordance with this paragraph. Any such application shall be transmitted in such form, and according to such procedures, as the Commissioner may require, except that such application may not be made as part of, or as an amendment to, the State plan.

"(B) The Commissioner may approve any application transmitted by a State under subparagraph (A) if the Commissioner determines, based upon a particularized showing of need, that—

"(i) such State will be unable to fully and effectively administer its State plan and to carry out programs and projects authorized by this title and by title VII unless such additional amounts are made available by the Commissioner;

42 USC 3045.

"(ii) such State is making full and effective use of its allotment under paragraph (1) and of the personnel of the State agency and area agencies designated under section 305 in the administration of its State plan in accordance with subsection (a); and

"(iii) the State agency and area agencies of such State designated under section 305 are carrying out, on a full-time basis, programs and activities which are in furtherance of the purposes of this Act.

"(C) The Commissioner may approve that portion of the amount requested by a State in its application under subparagraph (A) which he determines has been justified in such application.

"(D) Amounts which any State may receive in any fiscal year under this paragraph may not exceed three-fourths of 1 per centum of the sum of the amounts allotted to such State to carry out the State plan under section 303(b) and section 703(a) for such fiscal year. 42 USC 3023, 3045b.

"(E) No application by a State under subparagraph (A) shall be approved unless it contains assurances that no amounts received by such State under this paragraph will be used to hire any person to fill a job opening created by the action of such State in laying off or terminating the employment of any regular employee not supported under this Act in anticipation of filling the vacancy so created by hiring an employee to be supported through use of amounts received under this paragraph.

"(3) Each State shall be entitled to an allotment under this section for any fiscal year in an amount which is not less than the amount of the allotment to which such State was entitled under paragraph (1) for the fiscal year ending June 30, 1975.".

MODEL PROJECT REQUIREMENTS

SEC. 108. Section 308(a) of the Act (42 U.S.C. 3028(a)) is amended by striking out "or" at the end of paragraph (3), by striking out the period at the end of paragraph (4) and inserting in lieu thereof a semicolon and "or", and by inserting immediately after paragraph (4) the following new paragraphs:

"(5) enable State agencies on aging and other public and private nonprofit organizations to assist in the promotion and development of ombudsman services for residents of nursing homes;

"(6) meet the special needs of, and improve the delivery of services to, older persons who are not receiving adequate services under other provisions of this Act, with emphasis on the needs of low-income, minority, Indian, and limited-English speaking individuals, and the rural elderly; or

"(7) assist older persons to remain within their communities and out of institutions and to maintain their independent living by (A) providing financial assistance for the establishment and operation of senior ambulatory care day centers (providing a planned schedule of health, therapeutic, educational, nutritional, recreational, and social services at least twenty-four hours per week, transportation arrangements at low or no cost for participants to and from the center, a hot mid-day meal, outreach and public information programs, and opportunities for maximum participation of senior participants and senior volunteers in the planning and operation of such center), and (B) maintaining or initiating arrangements (or providing reasonable assurances that such arrangements will be maintained or initiated) with the agency of the State concerned which administers or supervises the administration of a State plan approved under title XIX of the Social Security Act, and with other appropriate social services agencies receiving, or reimbursed through, Federal financial assistance, for the payment of all or a part of such center's costs in providing services to eligible persons.". 42 USC 1396.

ATTRACTING QUALIFIED PERSONS TO THE FIELD OF AGING

SEC. 109. Section 403 of the Act (42 U.S.C. 3033) is amended by inserting immediately after "education" the following: "as defined in section 1201(a) of the Higher Education Act of 1965". 20 USC 1141.

TRAINING PERSONNEL IN THE FIELD OF AGING

SEC. 110. (a) Section 404(a) of the Act (42 U.S.C. 3034(a)) is amended by redesignating paragraphs (2), (3), (4), and (5) as paragraphs (3), (4), (5), and (6), respectively.

(b) Section 404(a) of the Act (42 U.S.C. 3034(a)) is amended by striking out paragraph (1) and inserting in lieu thereof the following new paragraphs:

"(1) to assist in paying the costs, in whole or in part, of short-term and inservice training courses, workshops, institutes and other activities designed to improve the capabilities of participants to provide services to older persons and to administer programs related to the purposes of this Act,

"(2) to assist in paying the costs, in whole or in part, of post-secondary education courses of training or study related to the purposes of this Act, including the payment of stipends to students enrolled in such courses,".

(c) Section 404 of the Act (42 U.S.C. 3034) is amended by adding at the end thereof the following new subsection:

"(c) The Commissioner may make grants under subsection (a) to assist in (1) the training of lawyers and paraprofessional persons who will (A) provide legal (including tax and financial) counseling and services to older persons; or (B) monitor the administration of any program by any public or private nonprofit institution, organization, or agency, or any State or political subdivision of a State, designed to provide assistance or services to older persons, including nursing home programs and other similar programs; and (2) the training of persons employed by or associated with public or private nonprofit agencies or organizations, including a State or political subdivision of a State, who will identify legal problems affecting older persons, develop solutions for such problems, and mobilize the resources of the community to respond to the legal needs of older persons.".

PURCHASE AND DONATION OF CERTAIN PRODUCTS BY SECRETARY OF AGRICULTURE

SEC. 111. (a) Section 707 of the Act (42 U.S.C. 3045f) is amended by inserting "(1)" immediately before the first sentence of subsection (a), by striking out "this section" in subsection (d) each place it appears therein and inserting in lieu thereof "this subsection", by redesignating subsections (b), (c), and (d) as paragraphs (2), (3), and (4), respectively, by redesignating subsection (e) as subsection (b), and by adding at the end thereof the following new subsection:

"(c)(1) During each of the fiscal years ending June 30, 1975, and June 30, 1976, and during the period beginning July 1, 1976, and ending September 30, 1976, the Secretary of Agriculture shall purchase high protein foods, meat, and meat alternates on the open market, at prices not in excess of market prices, out of funds appropriated under this section, as determined under paragraph (3), for distribution to recipients of grants or contracts to be used for providing nutritional services in accordance with the provisions of this title. High protein food, meat, and meat alternates purchased by the Secretary of Agriculture under this subsection shall be grown and produced in the United States.

"(2) High protein food, meat, and meat alternates donated under this subsection shall not be considered donated commodities for purposes of meeting the requirement of subsection (a)(4) with respect to the annually programed level of assistance under subsection (a).

"(3) There are authorized to be appropriated such sums as may be necessary in order to carry out the program established under paragraph (1).".

Appropriation authorization.
42 USC 3045f.

(b) Section 707(a)(4) of the Act, as so redesignated by subsection (a), is amended by striking out "10 cents per meal:" and inserting in lieu thereof "15 cents per meal during the fiscal year ending September 30, 1976, and 25 cents per meal during the fiscal year ending September 30, 1977:".

(c) Section 707(a) of the Act (42 U.S.C. 3045f) is amended in paragraphs (1), (2), and (3) by striking out "may" each place it appears therein and inserting in lieu thereof "shall".

(d) Section 707 of the Act, as amended by subsection (a), is further amended by adding at the end thereof the following new subsection:

"(d)(1) Notwithstanding any other provision of law, in any case in which a State has phased out its commodity distribution facilities before June 30, 1974, such State may, for purposes of the programs authorized by this Act, elect to receive cash payments in lieu of donated foods. In any case in which a State makes such an election, the Secretary of Agriculture shall make cash payments to such State in an amount equivalent in value to the donated foods which the State otherwise would have received if such State had retained its commodity distribution facilities.

"(2) When such payments are made, the State agency shall promptly and equitably disburse any cash it receives in lieu of commodities to recipients of grants or contracts. Such disbursements shall be used by such recipients of grants or contracts to purchase United States agricultural commodities and other foods for their nutrition projects.".

(e) The first sentence of section 708 of the Act (42 U.S.C. 3045g) is amended by inserting after "this title" the following: "(other than section 707(c))".

(f) Section 707(a)(4) of the Act (42 U.S.C. 3045f(a)(4)), as so redesignated by subsection (a), is amended by striking out "subsection (d)" and inserting in lieu thereof "paragraph".

AUTHORIZATION OF APPROPRIATIONS

SEC. 112. (a) Section 204(c) of the Act (42 U.S.C. 3014(c)) is amended by striking out "and" immediately after "1974," and by inserting immediately after "1975," the following: "the fiscal year ending June 30, 1976, the period beginning July 1, 1976, and ending September 30, 1976, and the fiscal years ending September 30, 1977, and 1978,".

(b)(1) Section 303(a) of the Act (42 U.S.C. 3023(a)) is amended by striking out "and" immediately after "1974," and by inserting immediately after "1975," the following: "$180,000,000 for the fiscal year ending June 30, 1976, $57,750,000 for the period beginning July 1, 1976, and ending September 30, 1976, $231,000,000 for the fiscal year ending September 30, 1977, and $287,200,000 for the fiscal year ending September 30, 1978,".

(2) Section 303(b)(2) of the Act (42 U.S.C. 3023(b)(2)) is amended by striking out "and" immediately after "1974," and by inserting immediately after "1975," the following: "for the fiscal year ending June 30, 1976, the period beginning July 1, 1976, and ending September 30, 1976, and for the fiscal years ending September 30, 1977, and 1978,".

(c) Section 308(b) of the Act (42 U.S.C. 3028(b)) is amended by striking out "and" immediately after "1974," and by inserting imme-

diately after "1975" the following: ", the fiscal year ending June 30, 1976, the period beginning July 1, 1976, and ending September 30, 1976, and the fiscal years ending September 30, 1977, and 1978".

(d) Section 431 of the Act (42 U.S.C. 3037) is amended by striking out "and" immediately after "1974," and by inserting immediately after "1975" the following: ", the fiscal year ending June 30, 1976, the period beginning July 1, 1976, and ending September 30, 1976, and the fiscal years ending September 30, 1977, and 1978".

(e) Section 505(a) of the Act (42 U.S.C. 3041d(a)) is amended by striking out "and" immediately after "1974," and by inserting immediately after "1975" the following: "the fiscal year ending June 30, 1976, the period beginning July 1, 1976, and ending September 30, 1976, and the fiscal years ending September 30, 1977, and 1978".

(f) Section 708 of the Act (42 U.S.C. 3045g) is amended by striking out "and" immediately after "1976," and by inserting in lieu thereof "$62,500,000 for the period beginning July 1, 1976, and ending September 30, 1976,", and by striking out "June 30, 1977" and inserting in lieu thereof "September 30, 1977, and $275,000,000 for the fiscal year ending September 30, 1978".

COMMUNITY SERVICE EMPLOYMENT FOR OLDER AMERICANS

SEC. 113. (a) The Act is amended by adding at the end thereof the following new title:

Older American Community Service Employment Act.

"TITLE IX—COMMUNITY SERVICE EMPLOYMENT FOR OLDER AMERICANS

"SHORT TITLE

42 USC 3056 note.

"SEC. 901. This title may be cited as the 'Older American Community Service Employment Act'.

"OLDER AMERICAN COMMUNITY SERVICE EMPLOYMENT PROGRAM

Establishment. 42 USC 3056.

"SEC. 902. (a) In order to foster and promote useful part-time opportunities in community service activities for unemployed low-income persons who are fifty-five years old or older and who have poor employment prospects, the Secretary of Labor (hereinafter in this title referred to as the 'Secretary') is authorized to establish an older American community service employment program.

"(b)(1) In order to carry out the provisions of this title, the Secretary is authorized to enter into agreements with public or private nonprofit agencies or organizations, including national organizations, agencies of a State government or a political subdivision of a State (having elected or duly appointed governing officials), or a combination of such political subdivisions, or tribal organizations in order to further the purposes and goals of the program. Such agreements may include provisions for the payment of costs, as provided in subsection (c), of projects developed by such organizations and agencies in cooperation with the Secretary in order to make the program effective or to supplement the program. No payment shall be made by the Secretary toward the cost of any project established or administered by any such organization or agency unless he determines that such project—

"(A) will provide employment only for eligible individuals, except for necessary technical, administrative, and supervisory

personnel, but such personnel shall, to the fullest extent possible, be recruited from among eligible individuals;

"(B) will provide employment for eligible individuals in the community in which such individuals reside, or in nearby communities;

"(C) will employ eligible individuals in services related to publicly owned and operated facilities and projects, or projects sponsored by organizations, other than political parties, exempt from taxation under the provisions of section 501(c)(3) of the Internal Revenue Code of 1954, except projects involving the construction, operation, or maintenance of any facility used or to be used as a place for sectarian religious instruction or worship; 26 USC 501.

"(D) will contribute to the general welfare of the community;

"(E) will provide employment for eligible individuals whose opportunities for other suitable public or private paid employment are poor;

"(F)(i) will result in an increase in employment opportunities over those opportunities which would otherwise be available, (ii) will not result in the displacement of currently employed workers (including partial displacement, such as a reduction in the hours of nonovertime work or wages or employment benefits), and (iii) will not impair existing contracts or result in the substitution of Federal funds for other funds in connection with work that would otherwise be performed;

"(G) will not employ or continue to employ any eligible individual to perform work the same or substantially the same as that performed by any other person who is on layoff;

"(H) will utilize methods of recruitment and selection (including listing of job vacancies with the employment agency operated by any State or political subdivision thereof) which will assure that the maximum number of eligible individuals will have an opportunity to participate in the project;

"(I) will include such training as may be necessary to make the most effective use of the skills and talents of those individuals who are participating, and will provide for the payment of the reasonable expenses of individuals being trained, including a reasonable subsistence allowance;

"(J) will assure that safe and healthy conditions of work will be provided, and will assure that persons employed in community service jobs assisted under this title shall be paid wages which shall not be lower than whichever is the highest of (i) the minimum wage which would be applicable to the employee under the Fair Labor Standards Act of 1938, if section 6(a)(1) of such Act applied to the participant and if he were not exempt under section 13 thereof, (ii) the State or local minimum wage for the most nearly comparable covered employment, or (iii) the prevailing rates of pay for persons employed in similar public occupations by the same employer; 29 USC 201. 29 USC 206. 29 USC 213.

"(K) will be established or administered with the advice of persons competent in the field of service in which employment is being provided, and of persons who are knowledgeable with regard to the needs of older persons;

"(L) will authorize pay for necessary transportation costs of eligible individuals which may be incurred in employment in any project funded under this title, in accordance with regulations promulgated by the Secretary;

"(M) will assure that, to the extent feasible, such project will serve the needs of minority, Indian, and limited English-speaking eligible individuals in proportion to their numbers in the State; and

"(N) will authorize funds to be used, to the extent feasible, to include individuals participating in such project under any State unemployment insurance plan.

"(2) The Secretary is authorized to establish, issue, and amend such regulations as may be necessary to effectively carry out the provisions of this title.

"(c)(1) The Secretary is authorized to pay not to exceed 90 per centum of the cost of any project which is the subject of an agreement entered into under subsection (b), except that the Secretary is authorized to pay all of the costs of any such project which is (A) an emergency or disaster project, or (B) a project located in an economically depressed area, as determined by the Secretary in consultation with the Secretary of Commerce and the Director of the Community Services Administration.

"(2) The non-Federal share shall be in cash or in kind. In determining the amount of the non-Federal share, the Secretary is authorized to attribute fair market value to services and facilities contributed from non-Federal sources.

"ADMINISTRATION

42 USC 3056a.

"SEC. 903. (a) In order to effectively carry out the provisions of this title, the Secretary shall, through the Commissioner of the Administration on Aging, consult with the State agency on aging designated under section 304(a)(1) and the appropriate area agencies on aging established under section 304(a)(2) with regard to—

42 USC 3024.

"(1) the localities in which community service projects of the type authorized by this title are most needed;

"(2) consideration of the employment situations and the type of skills possessed by available local individuals who are eligible to participate; and

"(3) potential projects and the number and percentage of eligible individuals in the local population.

"(b) If the Secretary determines that to do so would increase job opportunities available to individuals under this title, the Secretary is authorized to coordinate the program assisted under this title with programs authorized under the Emergency Jobs and Unemployment Assistance Act of 1974, the Comprehensive Employment and Training Act of 1973, the Community Services Act of 1974, and the Emergency Employment Act of 1971. Appropriations under this Act may not be used to carry out any program under the Emergency Jobs and Unemployment Assistance Act of 1974, the Comprehensive Employment and Training Act of 1973, the Community Services Act of 1974, or the Emergency Employment Act of 1971.

29 USC 961 note.
29 USC 801 note.
42 USC 2701 note.
42 USC 4871 note.

"(c) In carrying out the provisions of this title, the Secretary is authorized to use, with their consent, the services, equipment, personnel, and facilities of Federal and other agencies with or without reimbursement, and on a similar basis to cooperate with other public and private agencies and instrumentalities in the use of services, equipment, and facilities.

"(d) Payments under this title may be made in advance or by way of reimbursement and in such installments as the Secretary may determine.

"(e) The Secretary shall not delegate any function of the Secretary under this title to any other department or agency of the Federal Government.

"PARTICIPANTS NOT FEDERAL EMPLOYEES

"SEC. 904. (a) Eligible individuals who are employed in any project funded under this title shall not be considered to be Federal employees as a result of such employment and shall not be subject to the provisions of part III of title 5, United States Code. 42 USC 3056b. 5 USC 2101.

"(b) No contract shall be entered into under this title with a contractor who is, or whose employees are, under State law, exempted from operation of the State workmen's compensation law, generally applicable to employees, unless the contractor shall undertake to provide either through insurance by a recognized carrier, or by self-insurance, as authorized by State law, that the persons employed under the contract, shall enjoy workmen's compensation coverage equal to that provided by law for covered employment.

"INTERAGENCY COOPERATION

"SEC. 905. (a) The Secretary shall consult with, and obtain the written views of, the Commissioner of the Administration on Aging prior to the establishment of rules or the establishment of general policy in the administration of this title. 42 USC 3056c.

"(b) The Secretary shall consult and cooperate with the Director of the Community Services Administration, the Secretary of Health, Education, and Welfare, and the heads of other Federal agencies carrying out related programs, in order to achieve optimal coordination with such other programs. In carrying out the provisions of this section, the Secretary shall promote programs or projects of a similar nature. Each Federal agency shall cooperate with the Secretary in disseminating information relating to the availability of assistance under this title and in promoting the identification and interests of individuals eligible for employment in projects assisted under this title.

"EQUITABLE DISTRIBUTION OF ASSISTANCE

"SEC. 906. (a) (1) From sums appropriated under this title for each fiscal year, the Secretary shall first reserve such sums as may be necessary for national grants or contracts with public agencies and public or private nonprofit organizations to maintain the level of activities carried on under such grants or contracts at least at the level of such activities supported under this title and under any other provision of Federal law relating to community service employment programs for older Americans in the fiscal year ending June 30, 1975. Preference in awarding such grants or contracts shall be given to national organizations of proven ability in providing employment services to older persons under this program and similar programs. The Secretary, in awarding grants and contracts under this section, shall, to the extent feasible, assure an equitable distribution of activities under such grants and contracts, in the aggregate, among the States, taking into account the needs of underserved States. 42 USC 3056d.

"(2) The Secretary shall allot for projects within each State the remainder of the sums appropriated for any fiscal year under section 908 so that each State will receive an amount which bears the same ratio to such remainder as the product of the number of persons aged fifty-five or over in the State and the allotment percentage of such State

bears to the sum of the corresponding product for all States, except that (A) no State shall be allotted less than one-half of 1 per centum of the remainder of the sums appropriated for the fiscal year for which the determination is made, or $100,000, whichever is greater, and (B) Guam, American Samoa, the Virgin Islands, and the Trust Territory of the Pacific Islands shall each be allotted an amount which is not less than one-fourth of 1 per centum of the remainder of the sums appropriated for the fiscal year for which the determination is made, or $50,000, whichever is greater. For the purpose of the exception contained in this paragraph the term 'State' does not include Guam, American Samoa, the Virgin Islands, and the Trust Territory of the Pacific Islands.

"State."

"(3) For the purpose of this subsection—

"(A) the allotment percentage of each State shall be 100 per centum less that percentage which bears the same ratio to 50 per centum as the per capita income of such State bears to the per capita income of the United States, except that (i) the allotment percentage shall in no case be more than 75 per centum or less than 33⅓ per centum, and (ii) the allotment percentage for the District of Columbia, Puerto Rico, Guam, the Virgin Islands, American Samoa, and the Trust Territory of the Pacific Islands shall be 75 per centum;

"(B) the number of persons aged fifty-five or over in any State and in all States, and the per capita income in any State and in all States, shall be determined by the Secretary on the basis of the most satisfactory data available to him; and

"(C) for the purpose of determining the allotment percentage, the term 'United States' means the fifty States and the District of Columbia.

"(b) The amount allotted for projects within any State under subsection (a) for any fiscal year which the Secretary determines will not be required for such year shall be reallotted, from time to time and on such dates during such year as the Secretary may fix, to projects within other States in proportion to the original allotments to projects within such States under subsection (a) for such year, but with such proportionate amount for any of such other States being reduced to the extent it exceeds the sum the Secretary estimates that projects within such State need and will be able to use for such year; and the total of such reductions shall be similarly reallotted among the States whose proportionate amounts were not so reduced. Any amount reallotted to a State under this subsection during a year shall be deemed part of its allotment under subsection (a) for such year.

"(c) The amount apportioned for projects within each State under subsection (a) shall be apportioned among areas within each such State in an equitable manner, taking into consideration (1) the proportion which eligible individuals in each such area bears to the total number of such individuals, respectively, in that State, and (2) the relative distribution of such individuals residing in rural and urban areas within the State.

"DEFINITIONS

42 USC 3056e.

"SEC. 907. As used in this title—

"(1) the term 'State' means any of the several States of the United States, the District of Columbia, Puerto Rico, the Virgin Islands, American Samoa, Guam, and the Trust Territory of the Pacific Islands;

"(2) the term 'eligible individual' means an individual who is fifty-five years old or over, who has a low income, and who has or would have difficulty in securing employment, except that, pursuant to regulations prescribed by the Secretary, any such individual who is sixty years old or over shall have priority for the work opportunities provided for under this title;

"(3) the term 'community service' means social, health, welfare, and educational services, legal and other counseling services and assistance, including tax counseling and assistance and financial counseling, and library, recreational, and other similar services; conservation, maintenance, or restoration of natural resources; community betterment or beautification; antipollution and environmental quality efforts; economic development; and such other services essential and necessary to the community as the Secretary, by regulation, may prescribe; and

"(4) the term 'program' means the older American community service employment program established under this title.

"AUTHORIZATION OF APPROPRIATIONS

"SEC. 908. There are authorized to be appropriated to carry out this title $100,000,000 for the fiscal year ending June 30, 1976, $37,500,000 for the period beginning July 1, 1976, and ending September 30, 1976, $150,000,000 for the fiscal year ending September 30, 1977, and $200,000,000 for the fiscal year ending September 30, 1978.". 42 USC 3056f.

(b) Title IX of the Older Americans Comprehensive Services Amendments of 1973 (42 U.S.C. 3061 et seq.) is hereby repealed. Repeal. 42 USC 3061–3067.

(c) Notwithstanding any other provision of law, sums appropriated to carry out title IX of the Older Americans Comprehensive Services Amendments of 1973 for the fiscal year ending June 30, 1975, may be used for older American community service employment projects conducted as part of the Operation Mainstream program under title III of the Comprehensive Employment and Training Act of 1973. 29 USC 871 note. 29 USC 871.

TECHNICAL AMENDMENTS

SEC. 114. (a) Section 102(1) of the Act (42 U.S.C. 3002(1)) is amended by striking out the semicolon at the end thereof and inserting in lieu thereof a period.

(b) The heading for section 202 of the Act (42 U.S.C. 3012) is amended by striking out "OFFICE" and inserting in lieu thereof "ADMINISTRATION". 42 USC 3012.

(c) Section 202(a)(8) of the Act (42 U.S.C. 3022(a)(8)) is amended by striking out "and" at the end thereof.

(d) Section 303(b)(1) of the Act (42 U.S.C. 3023(b)(1)) is amended by striking out "authorized to be".

(e) The last sentence of section 305(e) of the Act (42 U.S.C. 3025(e)) is amended by striking out "Commissioners' " and inserting in lieu thereof "Commissioner's".

(f) Section 432(b) of the Act (42 U.S.C. 3037a(b)) is amended by striking out "part" and inserting in lieu thereof "title".

(g) The last sentence of section 507(b) of the Act (42 U.S.C. 3041f(b)) is amended by striking out "or" the second place it appears therein and inserting in lieu thereof "of".

(h) The heading for section 703 of the Act (42 U.S.C. 3045b) is amended by striking out "ALLOTTMENT" and inserting in lieu thereof "ALLOTMENT".

(i) The last sentence of section 703(c) of the Act (42 U.S.C. 3045b (c)) is amended by striking out "in kind" and inserting in lieu thereof "in-kind".

(j) The last sentence of section 703(d) of the Act (42 U.S.C. 3045b (d)) is amended by striking out "in kind" and inserting in lieu thereof "in-kind".

(k) Section 705(a)(2) of the Act (42 U.S.C. 3045d(a)(2)) is amended by striking out "sets" and inserting in lieu thereof "set".

(l) Section 705(a)(2)(B) of the Act (42 U.S.C. 3045d(a)(2)(B)) is amended by striking out "cost, for the fiscal year ending June 30, 1973," and all that follows through "1973, funds" and inserting in lieu thereof "cost. Funds".

(m) Section 705(a)(5) of the Act (42 U.S.C. 3045d(a)(5)) is amended by striking out "areas" and inserting in lieu thereof "area".

(n) The last sentence of section 705(c) of the Act (42 U.S.C. 3045d (c)) is amended by inserting a comma immediately after "failure" the first place it appears therein, and such sentence is further amended by striking out "part" and inserting in lieu thereof "title".

(o) Section 706(a)(5) of the Act (42 U.S.C. 3045e(a)(5)) is amended by inserting a comma immediately after "requirements" the second place it appears therein.

(p) Section 706(a)(8) of the Act (42 U.S.C. 3045e(a)(8)) is amended by inserting a comma immediately after "program" the second place it appears therein.

TITLE II—AMENDMENTS TO OTHER LAWS

HIGHER EDUCATION ACT OF 1965

SEC. 201. Section 110(b) of the Higher Education Act of 1965 (20 U.S.C. 1008a(b)) is amended by striking out "July 1, 1977" and inserting in lieu thereof "October 1, 1978", by striking out "and" immediately after "1973," and inserting in lieu thereof "for", and by inserting immediately before the period at the end thereof the following: ", and for the period beginning July 1, 1976, and ending September 30, 1976".

ADULT EDUCATION ACT

SEC. 202. Section 310(b) of the Adult Education Act (20 U.S.C. 1208a(b)) is amended by striking out "July 1, 1975" and inserting in lieu thereof "October 1, 1978", by striking out "and" immediately after "1973," and inserting in lieu thereof "for", and by inserting immediately before the period at the end thereof the following: ", and for the period beginning July 1, 1976, and ending September 30, 1976".

OLDER AMERICANS COMPREHENSIVE SERVICES AMENDMENTS OF 1973

SEC. 203. Section 805 of the Older Americans Comprehensive Services Amendments of 1973 (42 U.S.C. 2809 note) is amended—

(1) by striking out "fiscal year" the second place it appears therein and inserting in lieu thereof "five fiscal years and the period beginning July 1, 1976, and ending September 30, 1976"; and

(2) by striking out "Economic Opportunity Act of 1964" and inserting in lieu thereof "Community Services Act of 1974".

42 USC 2701 note.

VOCATIONAL EDUCATION ACT OF 1963

SEC. 204. Section 161(d) of the Vocational Education Act of 1963 (20 U.S.C. 1341(d)) is amended by inserting "(1)" immediately before "At least one-third" and by adding at the end thereof the following new paragraph:

"(2) From funds made available under this section, special consideration shall be given to special consumer and homemaking programs for persons aged sixty or older who are in need of services provided by such programs, as determined by the Commissioner. Such programs shall be designed to assist such persons to live independently in their own homes and to alleviate the adverse effects of loneliness and isolation.".

DOMESTIC VOLUNTEER SERVICE ACT OF 1973

SEC. 205. (a)(1) Section 502(a) of the Domestic Volunteer Service Act of 1973 (42 U.S.C. 5082(a)), hereinafter in this section referred to as the "Act", is amended—

(A) by striking out "and" immediately after "1974,"; and

(B) by inserting immediately after "respectively," the following: "$6,000,000 for the period beginning July 1, 1976, and ending September 30, 1976, and $22,000,000 for each of the fiscal years ending September 30, 1977, and September 30, 1978,".

(2) Section 502(b)(1) of the Act (42 U.S.C. 5082(b)(1)) is amended—

(A) by striking out "and" immediately after "1974," each place it appears therein;

(B) by inserting immediately after "respectively," the first place it appears therein the following: $10,750,000 for the period beginning July 1, 1976, and ending September 30, 1976, and $43,000,000 for each of the fiscal years ending September 30, 1977, and September 30, 1978,";

(C) by inserting immediately after "respectively," the second place it appears therein the following: "$8,750,000 for the period beginning July 1, 1976, and ending September 30, 1976, and $35,000,000 for each of the fiscal years ending September 30, 1977, and September 30, 1978,"; and

(D) by inserting immediately after "respectively," the third place it appears therein the following: "$2,000,000 for the period beginning July 1, 1976, and ending September 30, 1976, and $8,000,000 for each of the fiscal years ending September 30, 1977, and September 30, 1978,".

(b)(1) The first sentence of section 211(a) of the Act (42 U.S.C. 5011(a)) is amended—

(A) by striking out "volunteers" the first and third places it appears therein and inserting in lieu thereof "individuals"; and

(B) by striking out "serve as volunteers to".

(2) Section 211(b) of the Act (42 U.S.C. 5011(b)) is amended by striking out "volunteers" and inserting in lieu thereof "individuals".

(3) Section 212(a)(1) of the Act (42 U.S.C. 5012(a)(1)) is amended by striking out "volunteers" and inserting in lieu thereof "individuals".

(c)(1) In order to provide maximum coordination between programs carried out under title III and title VII of the Older Americans Act of 1965 (42 U.S.C. 3021 et seq.; 42 U.S.C. 3045 et seq.) and national older American volunteer programs carried out under title II of the Domestic Volunteer Service Act of 1973 (42 U.S.C. 5001 et seq.), and 42 USC 5001 note.

in order to enhance the effectiveness of the support provided to such national older American volunteer programs by the ACTION Agency, the Director of the ACTION Agency shall designate an aging resource specialist with respect to programs carried out in each State under title II of the Domestic Volunteer Service Act of 1973.

42 USC 5001.

(2) (A) Each aging resource specialist designated under paragraph (1) shall be qualified to serve in such capacity by appropriate experience and training, and shall be stationed in a State office of the ACTION Agency.

(B) The primary responsibility of each aging resource specialist shall be—

(i) to support programs carried out under title II of the Domestic Volunteer Service Act of 1973 in any State or other jurisdiction served by the State office involved; and

(ii) to seek to coordinate such programs with programs carried out under title III and title VII of the Older Americans Act of 1965 in any such State or other jurisdiction.

42 USC 3021, 3045.

(3) For purposes of this subsection—

Definitions.

(A) the term "ACTION Agency" means the ACTION Agency established by section 401 of the Act (42 U.S.C. 5041);

(B) the term "primary responsibility" means the devotion of more than one-half of regular working hours to the performance of duties described in paragraph (2) (B); and

(C) the term "State" means the several States, the District of Columbia, the Virgin Islands, Puerto Rico, Guam, American Samoa, and the Trust Territory of the Pacific Islands.

AMENDMENT TO RESEARCH ON AGING ACT OF 1974

SEC. 206. Section 464 of the Public Health Service Act (42 U.S.C. 289k-5) is amended by striking out "one year" and inserting in lieu thereof "two years".

TITLE III—PROHIBITION OF DISCRIMINATION BASED ON AGE

Age Discrimination Act of 1975.

SHORT TITLE

42 USC 6101 note.

SEC. 301. The provisions of this title may be cited as the "Age Discrimination Act of 1975".

STATEMENT OF PURPOSE

42 USC 6101.

SEC. 302. It is the purpose of this title to prohibit unreasonable discrimination on the basis of age in programs or activities receiving Federal financial assistance, including programs or activities receiving funds under the State and Local Fiscal Assistance Act of 1972 (31 U.S.C. 1221 et seq.).

PROHIBITION OF DISCRIMINATION

42 USC 6102.

SEC. 303. Pursuant to regulations prescribed under section 304, and except as provided by section 304(b) and section 304(c), no person in the United States shall, on the basis of age, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under, any program or activity receiving Federal financial assistance.

REGULATIONS

SEC. 304. (a)(1) Not later than one year after the transmission of the report required by section 307(b), or two and one-half years after the date of the enactment of this Act, whichever occurs first, the Secretary of Health, Education, and Welfare shall publish in the Federal Register proposed general regulations to carry out the provisions of section 303. 42 USC 6103.

(2)(A) The Secretary shall not publish such proposed general regulations until the expiration of a period comprised of—

(i) the forty-five day period specified in section 307(e); and

(ii) an additional forty-five day period, immediately following the period described in clause (i), during which any committee of the Congress having jurisdiction over the subject matter involved may conduct hearings with respect to the report which the Commission is required to transmit under section 307(d), and with respect to the comments and recommendations submitted by Federal departments and agencies under section 307(e).

(B) The forty-five day period specified in subparagraph (A)(ii) shall include only days during which both Houses of the Congress are in session.

(3) Not later than ninety days after the Secretary publishes proposed regulations under paragraph (1), the Secretary shall publish in the Federal Register final general regulations to carry out the provisions of section 303, after taking into consideration any comments received by the Secretary with respect to the regulations proposed under paragraph (1). Publication in Federal Register.

(4) Not later than ninety days after the Secretary publishes final general regulations under paragraph (a)(3), the head of each Federal department or agency which extends Federal financial assistance to any program or activity by way of grant, entitlement, loan, or contract other than a contract of insurance or guaranty, shall transmit to the Secretary and publish in the Federal Register proposed regulations to carry out the provisions of section 303 and to provide appropriate investigative, conciliation, and enforcement procedures. Such regulations shall be consistent with the final general regulations issued by the Secretary. Publication in Federal Register.

(5) Notwithstanding any other provision of this section, no regulations issued pursuant to this section shall be effective before January 1, 1979.

(b)(1) It shall not be a violation of any provision of this title, or of any regulation issued under this title, for any person to take any action otherwise prohibited by the provisions of section 303 if, in the program or activity involved—

(A) such action reasonably takes into account age as a factor necessary to the normal operation or the achievement of any statutory objective of such program or activity; or

(B) the differentiation made by such action is based upon reasonable factors other than age.

(2) The provisions of this title shall not apply to any program or activity established under authority of any law which (A) provides any benefits or assistance to persons based upon the age of such persons; or (B) establishes criteria for participation in age-related terms or describes intended beneficiaries or target groups in such terms.

(c)(1) Except with respect to any program or activity receiving Federal financial assistance for public service employment under the Comprehensive Employment and Training Act of 1974 (29 U.S.C. 801, et seq.), as amended, nothing in this title shall be construed to

authorize action under this title by any Federal department or agency with respect to any employment practice of any employer, employment agency, or labor organization, or with respect to any labor-management joint apprenticeship training program.

(2) Nothing in this title shall be construed to amend or modify the Age Discrimination in Employment Act of 1967 (29 U.S.C. 621–634), as amended, or to affect the rights or responsibilities of any person or party pursuant to such Act.

ENFORCEMENT

42 USC 6104.

SEC. 305. (a) The head of any Federal department or agency who prescribes regulations under section 304 may seek to achieve compliance with any such regulation—

(1) by terminating, or refusing to grant or to continue, assistance under the program or activity involved to any recipient with respect to whom there has been an express finding on the record, after reasonable notice and opportunity for hearing, of a failure to comply with any such regulation; or

(2) by any other means authorized by law.

(b) Any termination of, or refusal to grant or to continue, assistance under subsection (a)(1) shall be limited to the particular political entity or other recipient with respect to which a finding has been made under subsection (a)(1). Any such termination or refusal shall be limited in its effect to the particular program or activity, or part of such program or activity, with respect to which such finding has been made. No such termination or refusal shall be based in whole or in part on any finding with respect to any program or activity which does not receive Federal financial assistance.

(c) No action may be taken under subsection (a) until the head of the Federal department or agency involved has advised the appropriate person of the failure to comply with the regulation involved and has determined that compliance cannot be secured by voluntary means.

Report to congressional committees.

(d) In the case of any action taken under subsection (a), the head of the Federal department or agency involved shall transmit a written report of the circumstances and grounds of such action to the committees of the House of Representatives and the Senate having legislative jurisdiction over the program or activity involved. No such action shall take effect until thirty days after the transmission of any such report.

(e) The provisions of this section shall be the exclusive remedy for the enforcement of the provisions of this title.

JUDICIAL REVIEW

42 USC 6105.

SEC. 306. (a) Any action by any Federal department or agency under section 305 shall be subject to such judicial review as may otherwise be provided by law for similar action taken by any such department or agency on other grounds.

(b) In the case of any action by any Federal department or agency under section 305 which is not otherwise subject to judicial review, any person aggrieved (including any State or political subdivision thereof and any agency of either) may obtain judicial review of such action in accordance with the provisions of chapter 7 of title 5, United States Code. For purposes of this subsection, any such action shall not be considered committed to unreviewable agency discretion within the meaning of section 701(a)(2) of such title.

5 USC 701 *et seq.*

STUDY OF DISCRIMINATION BASED ON AGE

SEC. 307. (a) The Commission on Civil Rights shall (1) undertake a study of unreasonable discrimination based on age in programs and activities receiving Federal financial assistance; and (2) identify with particularity any such federally assisted program or activity in which there is found evidence of persons who are otherwise qualified being, on the basis of age, excluded from participation in, denied the benefits of, or subjected to discrimination under such program or activity. 42 USC 6106.

(b) As part of the study required by this section, the Commission shall conduct public hearings to elicit the views of interested parties, including Federal departments and agencies, on issues relating to age discrimination in programs and activities receiving Federal financial assistance, and particularly with respect to the reasonableness of distinguishing, on the basis of age, among potential participants in, or beneficiaries of, specific federally assisted programs. Hearings.

(c) The Commission is authorized to obtain, through grant or contract, analyses, research and studies by independent experts of issues relating to age discrimination and to publish the results thereof. For purposes of the study required by this section, the Commission may accept and utilize the services of voluntary or uncompensated personnel, without regard to the provisions of section 105(b) of the Civil Rights Act of 1957 (42 U.S.C. 1975d(b)).

(d) Not later than eighteen months after the date of the enactment of this Act, the Commission shall transmit a report of its findings and its recommendations for statutory changes (if any) and administrative action, including suggested general regulations, to the Congress and to the President and shall provide a copy of its report to the head of each Federal department and agency with respect to which the Commission makes findings or recommendations. Report to President and Congress.

(e) Not later than forty-five working days after receiving a copy of the report required by subsection (d), each Federal department or agency with respect to which the Commission makes findings or recommendations shall submit its comments and recommendations regarding such report to the President and to the Committee on Labor and Public Welfare of the Senate and the Committee on Education and Labor of the House of Representatives. Reports to President and congressional committees.

(f) The head of each Federal department or agency shall cooperate in all respects with the Commission with respect to the study required by subsection (a), and shall provide to the Commission such data, reports, and documents in connection with the subject matter of such study as the Commission may request.

(g) There are authorized to be appropriated such sums as may be necessary to carry out the provisions of this section. Appropriation authorization.

DEFINITIONS

SEC. 308. For purposes of this title— 42 USC 6107.

(1) the term "Commission" means the Commission on Civil Rights;

(2) the term "Secretary" means the Secretary of Health, Education, and Welfare; and

(3) the term "Federal department or agency" means any agency as defined in section 551 of title 5, United States Code, and includes the United States Postal Service and the Postal Rate Commission.

Approved November 28, 1975.

LEGISLATIVE HISTORY:

HOUSE REPORTS: No. 94-67 (Comm. on Education and Labor) and No. 94-670 (Comm. of Conference).

SENATE REPORTS: No. 94-254 (Comm. on Labor and Public Welfare) and No. 94-255 accompanying S. 1425 (Comm. on Labor and Public Welfare).

CONGRESSIONAL RECORD, Vol. 121 (1975):

Apr. 8, considered and passed House.

June 26, considered and passed Senate, amended, in lieu of S. 1425.

Nov. 19, House agreed to conference report.

Nov. 20, Senate agreed to conference report.

WEEKLY COMPILATION OF PRESIDENTIAL DOCUMENTS, Vol. 11, No. 48:

Nov. 28, Presidential statement.

Public Law 94-136
94th Congress

An Act

To establish a National Center for Productivity and Quality of Working Life; to provide for a review of the activities of all Federal agencies including implementation of all Federal laws, regulations, and policies which impede the productive performance and efficiency of the American economy; to encourage joint labor, industry, and Government efforts to improve national productivity and the character of working conditions; to establish a Federal policy with respect to continued productivity growth and improved utilization of human resources in the United States; and for other purposes.

Nov. 28, 1975
[S. 2195]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "National Productivity and Quality of Working Life Act of 1975".

National Productivity and Quality of Working Life Act of 1975.

TITLE I—FINDINGS, PURPOSE, AND POLICY; DEFINITIONS

15 USC 2401 note.

SEC. 101. The Congress finds that— 15 USC 2401.

(1) the rate of productivity growth in the United States has declined during four of the past six years;

(2) the decline in the rate of productivity growth has contributed to inflation, to economic stagnation, and to increasing unemployment;

(3) since 1965, the rate of productivity growth of the United States has been consistently lower than that of many industrial nations in the world, adversely affecting the competitive position of the United States in world markets;

(4) growth in productivity of the economy of the United States is essential to the social and economic welfare of the American people, and to the health of the world economy;

(5) growth in the productivity of the Nation's economy is essential to maintain and increase employment, to stabilize the cost of living and to provide job security;

(6) mounting worldwide material shortages and their consequent inflationary results make increased efficiency in the utilization of these resources of urgent importance;

(7) sharing the fruits of productivity gains among labor, management, and owners may considerably influence productivity;

(8) the continued development of joint labor-management efforts to provide a healthy environment for collective bargaining can make a significant contribution to improve productivity and foster industrial peace;

(9) factors affecting the growth of productivity in the economy include not only the status of technology and the techniques of management but also the role of the worker in the production process and the conditions of his working life;

(10) there is a national need to identify and encourage appropriate application of capital in sectors of American economic activity in order to improve productivity;

(11) there is a national need to identify and encourage appropriate application of technology in all sectors of American economic activity in order to improve productivity;

(12) there is a national need to identify and encourage the development of social, economic, scientific, business, labor, and governmental contributions to improve productivity growth, and increased economic effectiveness in the public and private sectors of the United States; which objectives can best be accomplished through maximizing private sector and State and local development of such contributions;

(13) there is a national need to identify, study, and revise or eliminate the laws, regulations, policies, and procedures which adversely affect productivity growth and the efficient functioning of the economy;

(14) there is a national need to increase employment security through such activities as manpower planning, skill-training and retraining of workers, internal work force adjustments to avoid worker displacement, assistance to workers facing or experiencing displacement, and all other public and private programs which seek to minimize the human costs of productivity improvement, thereby diminishing resistance to workplace change and improving productivity growth;

(15) there is a national need to develop new technologies for the more effective production of goods and services;

(16) there is a national need to encourage and support efforts by qualified institutions of higher learning to identify and inaugurate programs which will improve productivity;

(17) there is a national need to develop precise, standardized measurements of productivity; and

(18) there is a national need to gather and disseminate information about methods and techniques to improve productivity.

STATEMENT OF PURPOSE

15 USC 2402.

SEC. 102. It is the purpose of this Act—

(1) to establish a national policy which will encourage productivity growth consistent with needs of the economy, the natural environment, and the needs, rights, and best interests of management, the work force, and consumers; and

(2) to establish as an independent establishment of the executive branch a National Center for Productivity and Quality of Working Life to focus, coordinate, and promote efforts to improve the rate of productivity growth.

POLICY

14 USC 2403.

SEC. 103. (a) The Congress, recognizing the profound impact of productivity on the interrelations of all components of the national economy, declares that it is the continuing policy of the Federal Government, in cooperation with State and local governments, to use all practicable means and measures, including financial and technical assistance, to stimulate a high rate of productivity growth.

(b) It is the continuing responsibility of the Federal Government to use all practicable means to improve and coordinate Federal plans, functions, programs, and resources to carry out the policy set forth in this Act.

(c) The laws, rules, regulations, and policies of the United States shall be so interpreted as to give full force and effect to this policy.

DEFINITIONS

SEC. 104. For the purposes of this Act— 15 USC 2404.

(1) the term "Center" means the National Center for Productivity and Quality of Working Life;

(2) the term "Board" means the Board of Directors of the Center;

(3) the terms "productivity growth" and "improved productivity" shall be interpreted to include, but not be limited to, improvements in technology, management techniques, and the quality of working life; and

(4) the term "quality of working life" shall be interpreted to mean the conditions of work relating to the role of the worker in the production process.

TITLE II—NATIONAL CENTER FOR PRODUCTIVITY AND QUALITY OF WORKING LIFE ESTABLISHED

SEC. 201. There is hereby established as an independent establishment of the executive branch of the Government the National Center for Productivity and Quality of Working Life. 15 USC 2411.

BOARD OF DIRECTORS

SEC. 202. (a) The Center shall have a Board of Directors, to be comprised of not more than twenty-seven members, as follows: Membership. 15 USC 2412.

(1) a Chairman, appointed by the President, by and with the advice and consent of the Senate;

(2) the Secretary of the Treasury;

(3) the Secretary of Commerce;

(4) the Secretary of Labor;

(5) the Director of the Federal Mediation and Conciliation Service;

(6) the Executive Director of the Center;

(7) not less than five members who shall be appointed by the President, by and with the advice and consent of the Senate, from among qualified private individuals in manufacturing and service industries;

(8) not less than five members who shall be appointed by the President, by and with the advice and consent of the Senate, from among qualified private individuals from labor organizations;

(9) not less than two members who shall be appointed by the President, by and with the advice and consent of the Senate, from among qualified individuals in State or local governments;

(10) not less than one member who shall be appointed by the President, by and with the advice and consent of the Senate, from among the general public;

(11) not less than one member who shall be appointed by the President, by and with the advice and consent of the Senate, from among qualified individuals associated with leading institutions of higher education; and

(12) such other qualified members from the public or private sectors whom the President may deem appropriate who shall be appointed by the President, by and with the advice and consent of the Senate.

When unable to attend a meeting of the Board, a member appointed under clauses (2), (3), (4), and (5) shall appoint an appropriate

alternate from such member's Department or agency to represent such member at that meeting.

Term.

(b)(1) The members of the Board appointed under clauses (7), (8), (9), (10), (11), and any private sector members appointed pursuant to clause (12) of subsection (a) shall be appointed for a four-year term coterminous with the term of the President. Members other than members appointed under such clauses, with the exception of the Chairman, shall serve as long as such member is head of the department or agency represented on the Board. No person shall serve as an acting or temporary member in positions requiring Senate confirmation including that of Chairman, for a period in excess of three months.

Chairman.

(2) The President shall appoint a Chairman for a term of four years coterminous with the term of the President. In appointing a Chairman, the President may appoint an individual who is an officer of the United States. If that officer has been appointed to his current position, by and with the advice and consent of the Senate, or if such individual is the Vice President of the United States, such individual may be appointed chairman by the President without the requirement of confirmation by the Senate.

Vacancies.

(c) Any member appointed to fill a vacancy occurring before the expiration of the term for which his predecessor was appointed shall be appointed for the remainder of that term.

Compensation, travel expenses.

(d)(1) Each member of the Board appointed under clauses (7), (8), (9), (10), (11), and any private sector members appointed pursuant to clause (12) of subsection (a) may be compensated at the daily rate provided for GS-18 of the General Schedule under section 5332 of title 5, United States Code, including traveltime, for each day such member is engaged in the performance of his duties as a member of the Board and shall be entitled to reimbursement for travel, subsistence, and other necessary expenses incurred in carrying out the functions of the Board.

5 USC 5332 note.

(2) Other members of the Board, with the exception of the Chairman, and the Executive Director of the Center shall serve without additional compensation but shall be reimbursed for travel, subsistence, and other necessary expenses incurred by them in carrying out the functions of the Board.

(3) The Chairman shall be compensated as set forth in paragraph (1) of this subsection, except if the Chairman holds some other position in the Federal Government such individual shall be compensated as set forth in paragraph (2) of this subsection.

Executive Committee.

(e)(1) The Chairman shall appoint an Executive Committee of the Board, not to exceed seven members, including the Executive Director of the Center.

(2) The Executive Committee of the Board shall meet at the call of the Chairman, but in no case less frequently than once every ninety days.

EXECUTIVE DIRECTOR; DEPUTY DIRECTOR

15 USC 2413.

SEC. 203. (a) The Center shall have an Executive Director, who shall be appointed by the President by and with the advice and consent of the Senate, without regard to political affiliation and solely on the basis of fitness to perform the duties and functions of the office. No person shall serve as acting or temporary Executive Director for a period in excess of three months.

(b) The Executive Director shall appoint a Deputy Director, who shall perform such functions as the Executive Director may prescribe.

The Deputy Director shall act for and exercise the powers of the Executive Director during the absence or disability of the Executive Director.

(c) The Executive Director shall be responsible for the exercise of all powers and the discharge of all duties of the Center. The Executive Director shall have authority over and control of all of the staff of the Center and their activities. The Executive Director shall maintain budgets and allocate available funds as appropriate in carrying out the provisions of this Act.

(d) The Executive Director shall be compensated at a rate not to exceed that provided for Executive level IV under section 5315 of title 5 of the United States Code as determined by the President, and shall have no other employment, public or private, during the tenure of his appointment.

FUNCTIONS OF THE CENTER

SEC. 204. The Center shall— 15 USC 2414.

(1) develop and establish, in consultation with the appropriate committees of the Congress and with the appropriate departments and agencies of the executive branch, a national policy for productivity growth in the public and private sectors of the United States consistent with the purposes of this Act;

(2) seek, stimulate, and encourage maximum active participation of—

(A) the private sector of the Nation's economy, including labor organizations, associations and confederations, business enterprises and associations, institutions of higher education, foundations and other philanthropic organizations and research centers and institutes; and

(B) the public sector of the Nation's economy, including Federal, State, and local governments and agencies thereof, including institutions of higher education,

in efforts to improve the rate of productivity growth in all sectors of the Nation's economy;

(3) seek, stimulate, and encourage maximum active participation of the public agencies and private organizations identified in clause (2) of this section through identification and encouragement of selected research and demonstration programs implemented by public agencies and qualified private organizations which will—

(A) increase the rate of productivity growth in the public and private sectors of the national economy through improved and innovative utilization of technological and human resources; and

(B) develop, refine, and apply accurate and reliable measurement techniques to evaluate changes in productivity;

(4) to identify, study, and review—

(A) existing Federal, State, and local statutes, regulations, and fiscal policies which adversely affect productivity growth or the economic performance of the public and private sectors of the United States;

(B) incentives to encourage industry and labor initiatives in the development of methods, techniques, and systems for the improved utilization of technological and human resources in the public and private sectors;

(C) existing and new programs, plans, and other methods, including advanced warning systems, retraining programs, retirement and separation programs, designed to counteract threats to job security which may result from efforts to improve productivity;

(D) jointly, with the Civil Service Commission, the impact of Federal personnel policies, statutes, and regulations affecting the productivity of Federal agencies and the quality of working life of Federal employees; and

(E) the need and feasibility of providing, directly to potential users, public or private, various Center services in return for payment to the Center, and methods by which charges for such services will be established;

Recommendations to President, Congress, and Federal, State and local governments.

(5) recommend to the President, the Congress, the appropriate agencies and departments of the Federal Government, and State and local governments, any legislation, revisions of regulations, policies, practices, and procedures which result from the activities carried out under clause (4) of this section;

(6) encourage, support, and initiate efforts in the public or private sector specifically designed to improve cooperation between labor and management in the achievement of continued productivity growth: *Provided, however*, That no activities of the Center involving consideration of issues included in a specific labor-management agreement shall be undertaken without the consent and cooperation of the parties to that agreement;

(7) encourage departments and agencies of the Federal Government to initiate, stimulate, and support efforts in both the public and private sectors of the United States to improve the rate of productivity growth;

(8) coordinate all activities referred to in subsection (7) of this section in order to eliminate interagency duplication of effort and cost, to insure that Center activities will not unnecessarily conflict or overlap with such other activities, and to maximize the effectiveness of all such Federal programs and activities;

(9) coordinate and consult with the departments and agencies of the Federal Government in the obligation and expenditure of funds for activities and projects in both the public and private sectors to improve productivity growth;

(10) identify, develop, and support activities, programs, systems, and techniques, in the various departments and agencies of the Federal Government for measuring productivity growth within such departments and agencies;

(11) collect and disseminate relevant information obtained by the Center or other public agencies, institutions of higher education, or private organizations engaged in projects under this Act, including information related to new or improved methods, systems, technological developments, equipment, and devices to improve and stimulate productivity growth, and to develop and implement a public information program designed to inform the public of the meaning and importance of productivity, and productivity growth;

(12) encourage and coordinate the efforts of State and local governments, and institutions of higher education, to improve productivity;

(13) maintain liaison with organizations, both domestic and foreign, involved in efforts to improve productivity;

(14) determine the Nation's needs for productivity-related management and analytical skills and to encourage and facilitate the development of training programs in such skills; and

(15) study the effects of materials availability upon productivity growth.

POWERS

SEC. 205. In carrying out its functions, the Center is authorized— 15 USC 2415.

(1) to enter into contracts or other funding arrangements, or modifications thereof, in order to carry out the provisions of this Act;

(2) to organize and conduct, directly by contract or other funding arrangements with other public agencies or private organizations, conferences, meetings, seminars, workshops, or other forums for the presentation and dissemination of relevant information generated or collected pursuant to the provisions of this Act;

(3) to make such studies and recommendations to the President and to Congress as may be necessary to carry out the functions of the Center; Studies and recommendations to President and Congress.

(4) to implement a program and secure necessary facilities for the collection, collation, analysis, and interpretation of data and information as required in order to carry out the public information functions under this Act; and

(5) to undertake such other studies, reviews, activities, and to make such recommendations and reports as may be required to carry out the functions of the Center.

CONTRACTS AND OTHER FUNDING ARRANGEMENTS—CONDITIONS

SEC. 206. (a) No contracts or other funding arrangements may be entered into under this Act unless— 15 USC 2416.

(1) such contracts or other funding arrangements will be consistent with the policies and purposes of this Act and of potential benefit to other users in the public or private sectors;

(2) provisions are made to evaluate the demonstration program and maintain improvement data, such evaluation either to be implemented by the participating parties in accordance with specifications established by the Center, or to be implemented by or on behalf of the Center; and

(3) the participating parties agree that all information relating to any innovation or achievement generated in the course of any Center-funded demonstration program shall be public information.

(b) No contract or other funding arrangement shall be made or entered into pursuant to the provisions of this Act for a period of more than three years.

(c) Any non-Federal share of a project may be in cash or in kind, fairly evaluated, including, but not limited to, plant, equipment, or services.

CONTRACT AND OTHER FUNDING ARRANGEMENTS—CRITERIA

SEC. 207. (a) The Center shall prescribe by regulation, after consultation with appropriate agencies and officials of Federal, State, and local governments, basic criteria for the participating parties under this Act. 15 USC 2417.

(b) If the Center determines, on the basis of information available to it during any fiscal year, that a portion of the funds provided to a participating party for that fiscal year will not be required by the party or will become available by virtue of the application of regulations established by the Center to govern noncompliance by a participating party, that portion shall be available for reallocation under this section.

(c) The Center shall by regulation prescribe the basic criteria for determination of noncompliance by participating parties including appropriate provisions for notice and hearing with respect to such determination.

ANNUAL REPORT

Report to President and Congress.
15 USC 2418.

SEC. 208. (a) Not later than December 31 of each year, the Center shall report to the President and to the Congress on activities pursuant to the provision of this title during the preceding fiscal year; such reports shall include a detailed statement of all public and private funds received and expended together with such recommendations as the Center deems appropriate. Such report shall include an analysis of the extent to which each agency of the Federal Government which has significant responsibilities for assisting in the improvement of productivity is carrying out such responsibilities consistent with the provisions of this Act, including (A) an accounting of all funds expended or obligated by such agencies for activities and projects to improve productivity growth, (B) an assessment of the extent to which such expenditures or obligations have furthered the policies of the Center, and (C) the Center's recommendations on how these expenditures and obligations can be better coordinated to accomplish the purposes of this Act.

Referral.

(b) Each report required to be submitted to the Congress by this Act shall be referred to the standing committee or committees having jurisdiction over any part of the subject matter of the report.

TITLE III—FEDERAL AGENCY COORDINATION AND LIAISON WITH CENTER

15 USC 2431.

SEC. 301. (a) Each department, agency, and independent establishment of the Federal Government shall designate a qualified individual to serve as liaison with the Center and to assist the Center in carrying out its functions pursuant to this Act.

(b) Each department, agency, and independent establishment of the Federal Government shall keep the Center currently informed of its programs, policies, and initiatives to improve productivity which relate to the responsibilities of the Center, and shall consult with the Center prior to the obligation or expenditure of funds for activities or projects to improve productivity growth.

(c) Each Federal department, agency, and independent establishment of the Federal Government is authorized and directed to furnish or allow access to all relevant materials and information required by the Center to carry out its functions under this Act.

INTERNAL REVIEW

15 USC 2432.

SEC. 302. Each department, agency, and independent establishment of the Federal Government, in coordination with the Center, shall study and review the promulgation and implementation of its statutory authority, policies, and regulations, and shall identify such statutes, policies, and regulations which adversely affect productivity growth in the public or private sectors of the United States, or those which impede the efficient functioning of the Nation's economy, and shall recommend to the President and the Congress, or implement where appropriate, alternative statutes, policies, and regulations which will contribute to the achievement of the purposes of this Act.

SUPPORT OF EXTERNAL ACTIVITIES

SEC. 303. Each department, agency, and independent establishment of the Federal Government, in coordination with the Center, shall, to the extent appropriate, make available to State and local governments, labor organizations, industry, public institutions, and other qualified organizations advice, information, and support, including financial and other assistance, designed to maintain, promote, and enhance sustained productivity growth in the public and private sectors of the United States. 15 USC 2433.

INTERNAL PRODUCTIVITY

SEC. 304. Each department, agency, and independent establishment of the Federal Government shall identify, develop, initiate, and support appropriate programs, systems, procedures, policies, and techniques to improve the productivity of such departments and agencies, including the implementation, where desirable, of specific programs recommended, supported, or implemented by the Center. 15 USC 2434.

EFFECT ON PRIOR PROVISIONS

SEC. 305. Nothing in this title affects any specific statutory obligation of any Federal agency (1) to coordinate or consult with any other Federal or State agency or (2) to act, or to refrain from acting, contingent upon the recommendations or certification of any other Federal or State agency. 15 USC 2435.

TITLE IV—ADMINISTRATIVE PROVISIONS

SEC. 401. The Executive Director is authorized to— 15 USC 2451.

(1) prescribe such regulations as are deemed necessary to carry out the purposes of this Act;

(2) receive money and other property donated, bequeathed, or devised, or remitted in payment for services rendered, without condition or restriction other than that it be for the purposes of the Center;

(3) receive (and use, sell, or otherwise dispose of, in accordance with clause (2)) money or other property donated, bequeathed, or devised to the Center, except for such money and other property which includes a condition that the Center use other funds of the Center for the purpose of the gift, in which case two-thirds of the members of the Board of the Center must approve such donations;

(4) appoint and fix the compensation of such personnel as may be necessary to carry out the provisions of the Act in accordance with the provisions of title 5, United States Code, governing appointments in the competitive service, and the provisions of chapter 51 and subchapter III of chapter 53 of such title relating to classification and General Schedule pay rates; 5 USC 5101 *et seq.*, 5331.

(5) obtain the services of experts and consultants in accordance with the provisions of section 3109 of title 5, United States Code, at rates for individuals not to exceed the maximum daily rate prescribed for GS-18 under section 5332 of title 5, United States Code;

(6) accept and utilize the services of voluntary and noncompensated personnel and reimburse them for travel expenses, including per diem as authorized by section 5703 of title 5, United States Code; 5 USC 5332 note.

(7) utilize, on a reimbursable or nonreimbursable basis the services, equipment, personnel, and facilities of any other department or agency of the United States;

(8) establish one or more task forces to assist and advise the Center, composed of individuals who, by reason of experience, are qualified for such service. Each member of any such task force who is not an officer or employee of the Federal Government may receive an amount not to exceed the maximum daily rate prescribed for GS-18 under section 5332 of title 5, United States Code, for each day such individual is engaged in the actual performance of duties (including traveltime) as a member of such a task force. Members may be reimbursed for travel, subsistence, and necessary expenses incurred in the performance of their duties; and

5 USC 5332 note.

(9) make advances, progress, and other payments deemed necessary under this Act without regard to the provisions of section 3648 of the Revised Statutes, as amended (21 U.S.C. 529).

TITLE V—EVALUATION BY THE COMPTROLLER GENERAL

15 USC 2461.

SEC. 501. (a) The Comptroller General of the United States shall audit, review, and evaluate the implementation of the provisions of this Act by the Center.

Report to Congress.

(b) Not less than thirty months nor more than thirty-six months after the effective date of this Act, the Comptroller General shall prepare and submit to the Congress a report on his audit conducted pursuant to subsection (a), which shall contain, but not be limited to, the following:

(1) an evaluation of the effectiveness of the Center's activities;

(2) an evaluation of the effect of the activities of the Center on the efficiency, and effectiveness, of affected Federal agencies in carrying out their assigned functions and duties under this Act; and

(3) recommendations concerning any legislation he deems necessary, and the reasons therefor, for improving the implementation of the objectives of this Act as set forth in section 102.

TITLE VI—REPEAL AND TRANSFER

REPEAL OF PUBLIC LAWS 92-210 AND 93-311

15 USC 1026.

SEC. 601. Section 4 of Public Law 92-210, and Public Law 93-311, relating to the National Commission on Productivity and Work Quality, are repealed.

TRANSFER OF FUNCTIONS AND STAFF

15 USC 2401 note.

SEC. 602. (a) The functions and staff of the National Commission on Productivity and Work Quality are hereby transferred to the Center.

(b) All property, records, and contracts as are determined by the Director of the Office of Management and Budget to be employed, held, or used primarily in connection with any function transferred by subsection (a) are transferred to the Center.

TITLE VII—AUTHORIZATION OF APPROPRIATIONS

SEC. 701. There are authorized to be appropriated to carry out the purposes of this Act, not to exceed $6,250,000 for the fiscal year ending June 30, 1976, and the subsequent transition period ending September 30, 1976; not to exceed $5,000,000 for the fiscal year ending September 30, 1977; and not to exceed $5,000,000 for the fiscal year ending September 30, 1978. Funds appropriated for any fiscal year shall remain available for obligation until expended. 15 USC 2471.

Approved November 28, 1975.

LEGISLATIVE HISTORY:

HOUSE REPORT No. 94-540 (Comm. on Banking, Currency and Housing).
SENATE REPORT No. 94-335 (Comm. on Government Operations).
CONGRESSIONAL RECORD, Vol. 121 (1975):
Sept. 4, considered and passed Senate.
Oct. 28, considered and passed House, amended.
Nov. 14, Senate concurred in House amendments.

Public Law 94–137
94th Congress

An Act

Nov. 28, 1975
[H.R. 2343]

To designate the new Forest Service laboratory at Auburn, Alabama, as the "George W. Andrews Forestry Sciences Laboratory".

George W. Andrews Forestry Sciences Laboratory, Ala. Designation.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Forest Service laboratory being constructed at Auburn, Alabama, shall hereafter be known and designated as the "George W. Andrews Forestry Sciences Laboratory". Any reference in a law, map, regulation, document, record, or other paper of the United States to such laboratory shall be held to be a reference to the "George W. Andrews Forestry Sciences Laboratory".

Approved November 28, 1975.

LEGISLATIVE HISTORY:

HOUSE REPORT No. 94–606 (Comm. on Agriculture).
SENATE REPORT No. 94–475 (Comm. on Agriculture and Forestry).
CONGRESSIONAL RECORD, Vol. 121 (1975):
Nov. 4, considered and passed House.
Nov. 20, considered and passed Senate.

Public Law 94–138
94th Congress

An Act

Nov. 28, 1975
[H.R. 10029]

Making appropriations for military construction for the Department of Defense for the fiscal year ending June 30, 1976, and the period ending September 30, 1976, and for other purposes.

Military Construction Appropriation Act, 1976.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the following sums are appropriated, out of any money in the Treasury not otherwise appropriated, for the fiscal year ending June 30, 1976, and the period ending September 30, 1976, for military construction functions administered by the Department of Defense, and for other purposes, namely:

MILITARY CONSTRUCTION, ARMY

For acquisition, construction, installation, and equipment of temporary or permanent public works, military installations, and facilities for the Army as currently authorized in military public works or military construction Acts, and in sections 2673 and 2675 of title 10, United States Code, $790,025,000, to remain available until expended.

For "Military construction, Army" for the period July 1, 1976, through September 30, 1976, $37,100,000, to remain available until expended.

MILITARY CONSTRUCTION, NAVY

For acquisition, construction, installation, and equipment of temporary or permanent public works, naval installations, and facilities for the Navy as currently authorized in military public works or military construction Acts, and in sections 2673 and 2675 of title 10, United States Code, including personnel in the Naval Facilities Engineering Command and other personal services necessary for the purposes of this appropriation, $770,018,000, to remain available until expended.

For "Military construction, Navy" for the period July 1, 1976, through September 30, 1976, $17,200,000, to remain available until expended.

MILITARY CONSTRUCTION, AIR FORCE

For acquisition, construction, installation, and equipment of temporary or permanent public works, military installations, and facilities for the Air Force as currently authorized in military public works or military construction Acts, and in sections 2673 and 2675 of title 10, United States Code, $550,644,000, to remain available until expended.

For "Military construction, Air Force" for the period July 1, 1976, through September 30, 1976, $14,000,000, to remain available until expended.

MILITARY CONSTRUCTION, DEFENSE AGENCIES

For acquisition, construction, installation, and equipment of temporary or permanent public works, installations, and facilities for activities and agencies of the Department of Defense (other than the military departments and the Defense Civil Preparedness Agency), as currently authorized in military public works or military construction Acts, and in sections 2673 and 2675 of title 10, United States Code, $19,300,000, to remain available until expended; and, in addition,

not to exceed $20,000,000 to be derived by transfer from the appropriation "Research, development, test, and evaluation, Defense Agencies" as determined by the Secretary of Defense: *Provided*, That such amounts of this appropriation as may be determined by the Secretary of Defense may be transferred to such appropriations of the Department of Defense available for military construction as he may designate.

For "Military construction, Defense agencies" for the period July 1, 1976, through September 30, 1976, $1,000,000, to remain available until expended.

MILITARY CONSTRUCTION, ARMY NATIONAL GUARD

For construction, acquisition, expansion, rehabilitation, and conversion of facilities for the training and administration of the Army National Guard as authorized by chapter 133 of title 10, United States Code, as amended, and the Reserve Forces Facilities Acts, $62,700,000, to remain available until expended.

10 USC 2231 *et seq.*

For "Military construction, Army National Guard" for the period July 1, 1976, through September 30, 1976, $1,500,000, to remain available until expended.

MILITARY CONSTRUCTION, AIR NATIONAL GUARD

For construction, acquisition, expansion, rehabilitation, and conversion of facilities for the training and administration of the Air National Guard, and contributions therefor, as authorized by chapter 133 of title 10, United States Code, as amended, and the Reserve Forces Facilities Acts, $63,000,000, to remain available until expended.

For "Military construction, Air National Guard" for the period July 1, 1976, through September 30, 1976, $1,000,000, to remain available until expended.

MILITARY CONSTRUCTION, ARMY RESERVE

For construction, acquisition, expansion, rehabilitation, and conversion of facilities for the training and administration of the Army Reserve as authorized by chapter 133 of title 10, United States Code, as amended, and the Reserve Forces Facilities Acts, $50,300,000, to remain available until expended.

For "Military construction, Army Reserve" for the period July 1, 1976, through September 30, 1976, $2,500,000, to remain available until expended.

MILITARY CONSTRUCTION, NAVAL RESERVE

For construction, acquisition, expansion, rehabilitation, and conversion of facilities for the training and administration of the reserve components of the Navy and Marine Corps as authorized by chapter 133 of title 10, United States Code, as amended, and the Reserve Forces Facilities Acts, $36,400,000, to remain available until expended.

For "Military construction, Naval Reserve" for the period July 1, 1976, through September 30, 1976, $400,000, to remain available until expended.

MILITARY CONSTRUCTION, AIR FORCE RESERVE

For construction, acquisition, expansion, rehabilitation, and conversion of facilities for the training and administration of the Air Force Reserve as authorized by chapter 133 of title 10, United States Code, as amended, and the Reserve Forces Facilities Acts, $18,000,000, to remain available until expended.

For "Military construction, Air Force Reserve" for the period July 1, 1976, through September 30, 1976, $1,000,000, to remain available until expended.

FAMILY HOUSING, DEFENSE

For expenses of family housing for the Army, Navy, Marine Corps, Air Force, and Defense agencies, for construction, including acquisition, replacement, addition, expansion, extension and alteration and for operation, maintenance, and debt payment, including leasing, minor construction, principal and interest charges, and insurance premiums, as authorized by law, $1,332,244,000, to be obligated and expended in the Family Housing Management Account established pursuant to section 501(a) of Public Law 87-554, in not to exceed the following amounts: 42 USC 1594a-1.

For the Army:
Construction, $95,700,000;
For the Navy and Marine Corps:
Construction, $61,060,000;
For the Air Force:
Construction, $49,400,000;
For Defense agencies:
Construction, $147,000;
For Department of Defense:
Debt payment, $154,503,000;
Operation, maintenance, $971,434,000:

Provided, That the amounts provided under this head for construction and for debt payment shall remain available until expended.

For "Family housing, Defense" for the period July 1, 1976, through September 30, 1976, $310,639,000, to be obligated and expended in the Family Housing Management Account established pursuant to section 501(a) of Public Law 87-554, in not to exceed the following amounts:

For the Army:
Construction, $800,000;
For the Navy and Marine Corps:
Construction, $470,000;
For the Air Force:
Construction, $630,000;
For Department of Defense:
Debt payment, $40,339,000;
Operation, maintenance, $268,400,000:

Provided, That the amounts provided under this head for construction and for debt payment shall remain available until expended.

GENERAL PROVISIONS

Prior appropriations.

SEC. 101. Funds appropriated to the Department of Defense for construction in prior years are hereby made available for contruction authorized for each such department by the authorizations enacted into law during the first session of the Ninety-fourth Congress.

Contracts.

SEC. 102. None of the funds appropriated in this Act shall be expended for payments under a cost-plus-a-fixed-fee contract for work, where cost estimates exceed $25,000, to be performed within the United States, except Alaska, without the specific approval in writing of the Secretary of Defense setting forth the reasons therefor.

Construction costs, expedition.

SEC. 103. None of the funds appropriated in this Act shall be expended for additional costs involved in expediting construction unless the Secretary of Defense certifies such costs to be necessary to protect the national interest and establishes a reasonable completion date for each project, taking into consideration the urgency of the requirement, the type and location of the project, the climatic and seasonal conditions affecting the construction, and the application of economical construction practices.

Service facilities.

SEC. 104. None of the funds appropriated in this Act shall be used for the construction, replacement, or reactivation of any bakery, laundry, or drycleaning facility in the United States, its territories, or possessions, as to which the Secretary of Defense does not certify, in writing, giving his reasons therefor, that the services to be furnished by such facilities are not obtainable from commercial sources at reasonable rates.

Motor vehicles, hire.
31 USC 638f.

SEC. 105. Funds herein appropriated to the Department of Defense for construction shall be available for hire of passenger motor vehicles.

Access roads, construction.
31 USC 700b.

SEC. 106. Funds appropriated to the Department of Defense for construction may be used for advances to the Federal Highway Administration, Department of Transportation, for the construction of access roads as authorized by section 210 of title 23, United States Code, when projects authorized therein are certified as important to the national defense by the Secretary of Defense.

New bases.

SEC. 107. None of the funds appropriated in this Act may be used to begin construction of new bases inside the continental United States for which specific appropriations have not been made.

Land purchases or easements.

SEC. 108. No part of the funds provided in this Act shall be used for purchase of land or land easements in excess of 100 per centum of the value as determined by the Corps of Engineers or the Naval Facilities Engineering Command, except: (a) where there is a determination of value by a Federal court, or (b) purchases negotiated by the Attorney General or his designee, or (c) where the estimated value is less than $25,000, or (d) as otherwise determined by the Secretary of Defense to be in the public interest.

Foreign contracts.

SEC. 109. None of the funds appropriated in this Act may be used to make payments under contracts for any project in a foreign country unless the Secretary of Defense or his designee, after consultation with the Secretary of the Treasury or his designee, certifies to the Congress that the use, by purchase from the Treasury, of currencies of such country acquired pursuant to law is not feasible for the purpose, stating the reason therefor.

Family housing limitations.

SEC. 110. None of the funds appropriated in this Act shall be used to (1) acquire land, (2) provide for site preparation, or (3) install utilities for any family housing, except housing for which funds have been made available in annual military construction appropriation Acts.

SEC. 111. Funds made available for the period July 1, 1976, through September 30, 1976, shall be available for the same purpose as the corresponding appropriation for fiscal year 1976.

Diego Garcia Island, construction limitation.

SEC. 112. None of the funds appropriated in this Act may be used prior to April 15, 1976, for the purpose of carrying out any military construction project on the island of Diego Garcia; except that $250,000 may be used to procure, construct and install aircraft arresting gear on the island of Diego Garcia.

Short title.

This Act may be cited as the "Military Construction Appropriation Act, 1976".

Approved November 28, 1975.

LEGISLATIVE HISTORY:

HOUSE REPORTS: No. 94-530 (Comm. on Appropriations) and No. 94-655 (Comm. of Conference).
SENATE REPORT No. 94-442 (Comm. on Appropriations).
CONGRESSIONAL RECORD, Vol. 121 (1975):
Oct. 8, considered and passed House.
Nov. 6, considered and passed Senate, amended.
Nov. 18, House agreed to conference report.
Nov. 19, Senate agreed to conference report.

Public Law 94–139
94th Congress

An Act

Nov. 28, 1975
[H.R. 9472]

To amend section 15d of the Tennessee Valley Authority Act of 1933 to increase the amount of bonds which may be issued by the Tennessee Valley Authority, and for other purposes.

Tennessee Valley Authority.
Bonds, increase.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) the first sentence of subsection (a) of section 15d of the Tennessee Valley Authority Act of 1933, as amended (16 U.S.C. 831n–4), is amended by striking out "$5,000,000,000" and inserting in lieu thereof "$15,000,000,000".

(b) The first sentence of subsection (e) of section 15d of the Tennessee Valley Authority Act of 1933, as amended (16 U.S.C. 831n–4), is amended by striking out "December 31 and".

Approved November, 28, 1975.

LEGISLATIVE HISTORY:

HOUSE REPORT No. 94–510 (Comm. on Public Works and Transportation).
SENATE REPORT No. 94–461 (Comm. on Public Works).
CONGRESSIONAL RECORD, Vol. 121 (1975):
Oct. 23, considered and passed House.
Nov. 20, considered and passed Senate.

Public Law 94-140
94th Congress

An Act

To extend the Federal Insecticide, Fungicide, and Rodenticide Act, as amended, and for other purposes.

Nov. 28, 1975
[H.R. 8841]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 6(b) of the Federal Insecticide, Fungicide, and Rodenticide Act, as amended, is amended—

Federal Insecticide, Fungicide, and Rodenticide Act, extension.
7 USC 136d.

(1) by inserting the following new sentences immediately after the second sentence thereof: "In determining whether to issue any such notice, the Administrator shall include among those factors to be taken into account the impact of the action proposed in such notice on production and prices of agricultural commodities, retail food prices, and otherwise on the agricultural economy. At least 60 days prior to sending such notice to the registrant or making public such notice, whichever occurs first, the Administrator shall provide the Secretary of Agriculture with a copy of such notice and an analysis of such impact on the agricultural economy. If the Secretary comments in writing to the Administrator regarding the notice and analysis within 30 days after receiving them, the Administrator shall publish in the Federal Register (with the notice) the comments of the Secretary and the response of the Administrator with regard to the Secretary's comments. If the Secretary does not comment in writing to the Administrator regarding the notice and analysis within 30 days after receiving them, the Administrator may notify the registrant and make public the notice at any time after such 30-day period notwithstanding the foregoing 60-day time requirement. The time requirements imposed by the preceding 3 sentences may be waived or modified to the extent agreed upon by the Administrator and the Secretary. Notwithstanding any other provision of this subsection (b) and section 25(d), in the event that the Administrator determines that suspension of a pesticide registration is necessary to prevent an imminent hazard to human health, then upon such a finding the Administrator may waive the requirement of notice to and consultation with the Secretary of Agriculture pursuant to subsection (b) and of submission to the Scientific Advisory Panel pursuant to section 25(d) and proceed in accordance with subsection (c)."; and

Publication in Federal Register.

Ante, p. 753.

(2) by adding the following new sentence at the end of such section 6(b): "In taking any final action under this subsection, the Administrator shall include among those factors to be taken into account the impact of such final action on production and prices of agricultural commodities, retail food prices, and otherwise on the agricultural economy, and he shall publish in the Federal Register an analysis of such impact.".

SEC. 2. (a) Section 25(a) of the Federal Insecticide, Fungicide, and Rodenticide Act, as amended, is amended—

7 USC 136w.

(1) by inserting "(1)" immediately after "(a)";

(2) by inserting ", in accordance with the procedure described in paragraph (2)," immediately after "is authorized" in the first sentence; and

(3) by adding the following new paragraph at the end thereof:

"(2) PROCEDURE.—

"(A) PROPOSED REGULATIONS.—At least 60 days prior to signing any proposed regulation for publication in the Federal Register, the Administrator shall provide the Secretary of Agriculture with a copy of such regulation. If the Secretary comments in writing to the Administrator regarding any such regulation within 30 days after receiving it, the Administrator shall publish in the Federal Register (with the proposed regulation) the comments of the Secretary and the response of the Administrator with regard to the Secretary's comments. If the Secretary does not comment in writing to the Administrator regarding the regulation within 30 days after receiving it, the Administrator may sign such regulation for publication in the Federal Register any time after such 30-day period notwithstanding the foregoing 60-day time requirement.

Publication in Federal Register.

"(B) FINAL REGULATIONS.—At least 30 days prior to signing any regulation in final form for publication in the Federal Register, the Administrator shall provide the Secretary of Agriculture with a copy of such regulation. If the Secretary comments in writing to the Administrator regarding any such final regulation within 15 days after receiving it, the Administrator shall publish in the Federal Register (with the final regulation) the comments of the Secretary, if requested by the Secretary, and the response of the Administrator concerning the Secretary's comments. If the Secretary does not comment in writing to the Administrator regarding the regulation within 15 days after receiving it, the Administrator may sign such regulation for publication in the Federal Register at any time after such 15-day period notwithstanding the foregoing 30-day time requirement.

Publication in Federal Register.

"(C) TIME REQUIREMENTS.—The time requirements imposed by subparagraphs (A) and (B) may be waived or modified to the extent agreed upon by the Administrator and the Secretary.

Waiver or modification.

"(D) PUBLICATION IN THE FEDERAL REGISTER.—The Administrator shall, simultaneously with any notification to the Secretary of Agriculture under this paragraph prior to the issuance of any proposed or final regulation, publish such notification in the Federal Register.".

7 USC 136s.

(b) Section 21(a) of such Act is amended by inserting the following immediately before the period: "in accordance with the procedure described in section 25(a)".

7 USC 136w.

Appropriation authorization.

SEC. 3. Section 27 of the Federal Insecticide, Fungicide, and Rodenticide Act, as amended, is amended by adding at the end thereof the following:

7 USC 136y.

"There are hereby authorized to be appropriated to carry out the provisions of this Act for the period beginning October 1, 1975, and ending September 30, 1976, the sum of $47,868,000, and for the period beginning October 1, 1976, and ending March 31, 1977, the sum of $23,600,000.".

7 USC 136 note.

SEC. 4. Section 4 of the Federal Environmental Pesticide Control Act of 1972 is amended—

(i) In subsection (b) by striking the words "four years" and inserting in lieu thereof the words "five years";

(ii) In paragraph (c)(2) by striking the words "four years" and inserting in lieu thereof the words "five years";

(iii) In paragraph (c)(3) by striking the words "four years" and inserting in lieu thereof the words "five years";

(iv) In paragraph (c)(4) by striking the words "four years" and inserting in lieu thereof the words "five years"; and

(v) In paragraph (c)(4)(B) by striking the words "three years" and inserting in lieu thereof the words "four years".

SEC. 5. Section 4 of the Federal Insecticide, Fungicide, and Rodenticide Act, as amended, is amended by deleting the period at the end of subsection (a)(1) and inserting the following: ": *Provided, however*, That the certification standard for a private applicator shall, under a State plan submitted for approval, be deemed fulfilled by his completing a certification form. The Administrator shall further assure that such form contains adequate information and affirmations to carry out the intent of this Act, and may include in the form an affirmation that the private applicator has completed a training program approved by the Administrator so long as the program does not require the private applicator to take, pursuant to a requirement prescribed by the Administrator, any examination to establish competency in the use of the pesticide. The Administrator may require any pesticide dealer participating in a certification program to be licensed under a State licensing program approved by him.". 7 USC 136b.

SEC. 6. Section 25(a) of the Federal Insecticide, Fungicide, and Rodenticide Act, as amended, is amended by adding a new paragraph (3) at the end thereof as follows: 7 USC 136w.

"(3) CONGRESSIONAL COMMITTEES.—At such time as the Administrator is required under paragraph (2) of this subsection to provide the Secretary of Agriculture with a copy of proposed regulations and a copy of the final form of regulations, he shall also furnish a copy of such regulations to the Committee on Agriculture of the House of Representatives and the Committee on Agriculture and Forestry of the Senate."

SEC. 7. Section 25 of the Federal Insecticide, Fungicide, and Rodenticide Act is amended by the addition at the end thereof of the following new subsection (d): 7 USC 136w.

"(d) SCIENTIFIC ADVISORY PANEL.—The Administrator shall submit to an advisory panel for comment as to the impact on health and the environment of the action proposed in notices of intent issued under section 6(b) and of the proposed and final form of regulations issued under section 25(a) within the same time periods as provided for the comments of the Secretary of Agriculture under such sections. The time requirements for notices of intent and proposed and final forms of regulation may not be modified or waived unless in addition to meeting the requirements of section 6(b) or 25(a), as applicable, the advisory panel has failed to comment on the proposed action within the prescribed time period or has agreed to the modification or waiver. The comments of the advisory panel and the response of the Administrator shall be published in the Federal Register in the same manner as provided for publication of the comments of the Secretary of Agriculture under such sections. The panel referred to in this subsection shall consist of seven members appointed by the Administrator from a list of 12 nominees, six nominated by the National Institutes of Health, and six by the National Science Foundation. The Administrator may require such information from the nominees to the advisory panel as he deems necessary, and he shall publish in the Federal Register the name, address, and professional affiliations of each nominee. Each member of the panel shall receive per diem compensation at a rate not in excess of that fixed for GS-18 of the General Schedule as may be determined by the Administrator, except that any such member who holds another office or position under the Fed- 7 USC 136d. 7 USC 136w. Publication in Federal Register. Members. Publication in Federal Register. Compensation. 5 USC 5332 note.

eral Government the compensation for which exceeds such rate may elect to receive compensation at the rate provided for such other office or position in lieu of the compensation provided by this subsection.

Regulations. In order to assure the objectivity of the advisory panel, the Administrator shall promulgate regulations regarding conflicts of interest with respect to the members of the panel.".

Consultation. SEC. 8. Section 18 of the Federal Insecticide, Fungicide, and Rodenticide Act, as amended, is amended by adding at the end thereof the following new sentence:

"The Administrator, in determining whether or not such emergency conditions exist, shall consult with the Secretary of Agriculture and the Governor of any State concerned if they request such determination."

7 USC 136. SEC. 9. Section 2(u) of the Federal Insecticide, Fungicide, and Rodenticide Act, as amended, is hereby amended to read as follows:

"(u) PESTICIDE.—The term 'pesticide' means (1) any substance or mixture of substances intended for preventing, destroying, repelling, or mitigating any pest, and (2) any substance or mixture of substances intended for use as a plant regulator, defoliant, or desiccant: *Provided*, That the term 'pesticide' shall not include any article (1)(a) that is a 'new animal drug' within the meaning of section 201(w) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 321(w)), or (b) that has been determined by the Secretary of Health, Education, and Welfare not to be a new animal drug by a regulation establishing conditions of use for the article, or (2) that is an animal feed within the meaning of section 201(x) of such Act (21 U.S.C. 321(x)) bearing or containing an article covered by clause (1) of this proviso."

7 USC 136c. SEC. 10. Section 5 of the Federal Insecticide, Fungicide, and Rodenticide Act, as amended, is amended by adding at the end thereof the following new subsection:

"(g) EXEMPTION FOR AGRICULTURAL RESEARCH AGENCIES.—Notwithstanding the foregoing provisions of this section, the Administrator may issue an experimental use permit for a pesticide to any public or private agricultural research agency or educational institution which applies for such permit. Each permit shall not exceed more than a one-year period or such other specific time as the Administrator may prescribe. Such permit shall be issued under such terms and conditions restricting the use of the pesticide as the Administrator may require: *Provided*, That such pesticide may be used only by such research agency or educational institution for purposes of experimentation."

7 USC 136b. SEC. 11. Section 4 of the Federal Insecticide, Fungicide, and Rodenticide Act, as amended, is amended by adding at the end thereof the following new subsection:

"(c) INSTRUCTION IN INTEGRATED PEST MANAGEMENT TECHNIQUES.—Standards prescribed by the Administrator for the certification of applicators of pesticides under subsection (a), and State plans submitted to the Administrator under subsections (a) and (b), shall include provisions for making instructional materials concerning integrated pest management techniques available to individuals at their

7 USC 136u. request in accordance with the provisions of section 23(c) of this Act, but such plans may not require that any individual receive instruction concerning such techniques or be shown to be competent with respect to the use of such techniques. The Administrator and States implementing such plans shall provide that all interested individuals are notified of the availability of such instructional materials."

SEC. 12. Section 3(c)(1)(D) of the Federal Insecticide, Fungicide, and Rodenticide Act, as amended, is amended to read as follows: 7 USC 136a.

"(D) if requested by the Administrator, a full description of the tests made and the results thereof upon which the claims are based, except that data submitted on or after January 1, 1970, in support of an application shall not, without permission of the applicant, be considered by the Administrator in support of any other application for registration unless such other applicant shall have first offered to pay reasonable compensation for producing the test data to be relied upon and such data is not protected from disclosure by section 10(b). This provision with regard to compensation for producing the test data to be relied upon shall apply with respect to all applications for registration or reregistration submitted on or after October 21, 1972. If the parties cannot agree on the amount and method of payment, the Administrator shall make such determination and may fix such other terms and conditions as may be reasonable under the circumstances. The Administrator's determination shall be made on the record after notice and opportunity for hearing. If either party does not agree with said determination, he may, within thirty days, take an appeal to the Federal district court for the district in which he resides with respect to either the amount of the payment or the terms of payment, or both. Registration shall not be delayed pending the determination of reasonable compensation between the applicants, by the Administrator or by the court.".

Test data.

7 USC 136h.

Notice and hearing.
Appeal.

Approved November 28, 1975.

LEGISLATIVE HISTORY:

HOUSE REPORTS: No. 94–497 (Comm. on Agriculture) and No. 94–668 (Comm. of Conference).
SENATE REPORT No. 94–452 (Comm. on Agriculture and Forestry).
CONGRESSIONAL RECORD, Vol. 121 (1975):
Sept. 26, Oct. 3, 9, considered and passed House.
Nov. 12, considered and passed Senate, amended.
Nov. 18, House agreed to conference report.
Nov. 19, Senate agreed to conference report.

Public Law 94-141
94th Congress

An Act

Nov. 29, 1975
[S. 1517]

To authorize appropriations for the administration of foreign affairs; international organizations, conferences, and commissions; information and cultural exchange; and for other purposes.

Foreign Relations Authorization Act, Fiscal Year 1976.
22 USC 2687 note.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Foreign Relations Authorization Act, Fiscal Year 1976".

TITLE I—ADMINISTRATION OF FOREIGN AFFAIRS

PART 1—DEPARTMENT OF STATE

AUTHORIZATION

SEC. 101. (a) There are authorized to be appropriated for the Department of State for fiscal year 1976, to carry out the authorities, functions, duties, and responsibilities in the conduct of the foreign affairs of the United States, including trade negotiations, and other purposes authorized by law, the following amounts:

(1) for the "Administration of Foreign Affairs", $439,055,000; and

(2) such additional amounts as may be necessary for increases in salary, pay, retirement, other employee benefits authorized by law, or other nondiscretionary costs.

(b) Amounts appropriated under this section are authorized to remain available until expended.

(c) The Act entitled "An Act to provide certain basic authority for the Department of State", approved August 1, 1956, as amended, is further amended by adding at the end thereof the following new section:

22 USC 2687.

"SEC. 17. The Secretary of State is authorized to use appropriated funds for unusual expenses similar to those authorized by section 5913 of title 5, United States Code, incident to the operation and maintenance of the living quarters of the United States Representative to the Organization of American States.".

TRAVEL DOCUMENT AND ISSUANCE SYSTEM

SEC. 102. (a) Except as provided in subsection (b), no part of any funds authorized to be appropriated by this title may be used for the development or implementation of the Travel Document and Issuance System which has been proposed by the United States Passport Office (and which involves a restructuring of the passport issuance function and the issuance of machine readable passport books), or of any other new passport system.

Study.

(b) Not to exceed $100,000 of the amount authorized to be appropriated by section 101(a)(1) of this Act shall be available for a study of the desirability and cost implications of the Travel Document and Issuance System described in subsection (a). Such study shall be transmitted to the Speaker of the House of Representatives and to the Committee on Foreign Relations of the Senate.

Transmittal to Speaker of the House and Senate committee.

BEQUEST OF AMBASSADOR THURSTON

SEC. 103. There is authorized to be appropriated to the Department of State for fiscal year 1976 the sum of $125,000, to remain available until expended, for the purpose of furnishing or refurnishing the diplomatic reception rooms of the Department of State, such sum representing the amount bequeathed by the late Ambassador Walter Thurston to the United States of America. Appropriation authorization.

CRITERIA REGARDING SELECTION AND CONFIRMATION OF AMBASSADORS

SEC. 104. The Act of August 1, 1956 (Public Law 84-885; 70 Stat. 890) is amended by adding at the end thereof the following new section:

"SEC. 18. It is the sense of the Congress that the position of United States ambassador to a foreign country should be accorded to men and women possessing clearly demonstrated competence to perform ambassadorial duties. No individual should be accorded the position of United States ambassador to a foreign country primarily because of financial contributions to political campaigns.". 22 USC 2688.

REOPENING OF UNITED STATES CONSULATE AT GOTHENBURG, SWEDEN

SEC. 105. (a) It is the sense of the Congress that the United States Consulate at Gothenburg, Sweden, should be reopened as soon as possible after the date of enactment of this Act.

(b)(1) There are authorized to be appropriated for the Department of State for fiscal year 1976, in addition to amounts authorized under section 101 of this Act, such sums as may be necessary for the operation of such consulate. Appropriation authorization.

(2) Amounts appropriated under this subsection are authorized to remain available until expended.

AGRICULTURAL ATTACHÉ IN CHINA

SEC. 106. It is the sense of the Congress that the President should establish an agricultural attaché in the People's Republic of China.

PART 2—ARMS CONTROL AND DISARMAMENT AGENCY

AUTHORIZATION

SEC. 141. Section 49(a) of the Arms Control and Disarmament Act (22 U.S.C. 2589(a)) is amended by inserting in the second sentence thereof immediately after "$10,100,000," the following: "and for fiscal years 1976 and 1977 the sum of $23,440,000 (and such additional amounts as may be necessary for increases in salary, pay, retirement, other employee benefits authorized by law, and other nondiscretionary costs),".

STUDY REGARDING IMPACT OF CERTAIN ARMS CONTROL MEASURES UPON MILITARY EXPENDITURES

SEC. 142. Of the amount appropriated under the amendment made by section 141 of this Act, not to exceed $1,000,000 shall be used by the Director of the Arms Control and Disarmament Agency to conduct a study of the impact upon military expenditures of arms control measures mutually agreed to by the United States and the Soviet Union. The Director of the Arms Control and Disarmament Agency shall Reports to Speaker of the House and Senate committee.

submit to the Speaker of the House of Representatives and the Committee on Foreign Relations of the Senate—

(1) from time to time, reports with respect to such study, and

(2) not later than December 31, 1976, a final report setting forth the findings and conclusions of such study.

RESEARCH REGARDING DEVELOPMENT OF NUCLEAR SAFEGUARD TECHNIQUES

SEC. 143. In addition to amounts otherwise available under the amendment made by section 141 of this Act, $440,000 may be used for the purpose of conducting research, in consultation with the International Atomic Energy Agency, with respect to the development of nuclear safeguard techniques.

PURPOSES OF ARMS CONTROL AND DISARMAMENT ACT

SEC. 144. Section 2 of the Arms Control and Disarmament Act (22 U.S.C. 2551) is amended by striking out "It must be able" in the second sentence of the third paragraph and inserting in lieu thereof "It shall have the authority, under the direction of the President and the Secretary of State,".

NATIONAL SECURITY COUNCIL

SEC. 145. Section 22 of the Arms Control and Disarmament Act (22 U.S.C. 2562) is amended by inserting ", the National Security Council," immediately after "Secretary of State" in the first sentence.

ARMS CONTROL AND DISARMAMENT IMPACT STATEMENT

SEC. 146. Title III of the Arms Control and Disarmament Act (22 U.S.C. 2571–2575) is amended by adding at the end thereof the following:

"ARMS CONTROL IMPACT INFORMATION AND ANALYSIS

22 USC 2576.

"SEC. 36. (a) In order to assist the Director in the performance of his duties with respect to arms control and disarmament policy and negotiations, any Government agency preparing any legislative or budgetary proposal for—

"(1) any program of research, development, testing, engineering, construction, deployment, or modernization with respect to nuclear armaments, nuclear implements of war, military facilities or military vehicles designed or intended primarily for the delivery of nuclear weapons,

"(2) any program of research, development, testing, engineering, construction, deployment, or modernization with respect to armaments, ammunition, implements of war, or military facilities, having—

"(A) an estimated total program cost in excess of $250,000,000, or

"(B) an estimated annual program cost in excess of $50,000,000, or

"(3) any other program involving weapons systems or technology which such Government agency or the Director believes may have a significant impact on arms control and disarmament policy or negotiations,

shall, on a continuing basis, provide the Director with full and timely access to detailed information, in accordance with the procedures

established pursuant to section 35 of this Act, with respect to the nature, scope, and purpose of such proposal. 22 USC 2575.

"(b)(1) The Director, as he deems appropriate, shall assess and analyze each program described in subsection (a) with respect to its impact on arms control and disarmament policy and negotiations, and shall advise and make recommendations, on the basis of such assessment and analysis, to the National Security Council, the Office of Management and Budget, and the Government agency proposing such program. Program assessment and analysis.

"(2) Any request to the Congress for authorization or appropriations for—

"(A) any program described in subsection (a) (1) or (2), or

"(B) any program described in subsection (a)(3) and found by the National Security Council, on the basis of the advice and recommendations received from the Director, to have a significant impact on arms control and disarmament policy or negotiations,

shall include a complete statement analyzing the impact of such program on arms control and disarmament policy and negotiations.

"(3) Upon the request of the Committee on Armed Services of the Senate or the House of Representatives, the Committee on Appropriations of the Senate or the House of Representatives, the Committee on Foreign Relations of the Senate, or the Committee on International Relations of the House of Representatives or the Joint Committee on Atomic Energy, the Director shall, after informing the Secretary of State, advise such committee on the arms control and disarmament implications of any program with respect to which a statement has been submitted to the Congress pursuant to paragraph (2).

"(c) No court shall have any jurisdiction under any law to compel the performance of any requirement of this section or to review the adequacy of the performance of any such requirement on the part of any Government agency (including the Agency and the Director).".

SECURITY REQUIREMENTS FOR CERTAIN CONSULTANTS AND CONTRACTORS

SEC. 147. (a)(1) The second sentence of section 45(a) of the Arms Control and Disarmament Act (22 U.S.C. 2585(a)) is amended by striking out "The Director" and inserting in lieu thereof "Except as provided in subsection (d), the Director".

(2) The fifth sentence of section 45(a) of such Act is amended by striking out "No person" and inserting in lieu thereof "Except as provided in subsection (d), no person".

(3) Section 45 of such Act is amended by adding at the end thereof the following new subsection:

"(d) The investigations and determination required under subsection (a) may be waived by the Director in the case of any consultant who will not be permitted to have access to classified information if the Director determines and certifies in writing that such waiver is in the best interests of the United States.". Waiver.

(b) Section 45(b) of such Act (22 U.S.C. 2585(b)) is amended by adding at the end thereof the following: "Notwithstanding the foregoing and the provisions of subsection (a), the Director may also grant access to classified information to contractors or subcontractors and their officers and employees, actual or prospective, on the basis of a security clearance granted by the Department of Defense, or any agency thereof, to the individual concerned; except that any access to Restricted Data shall be subject to the provisions of subsection (c).". Contractors or subcontractors, access to classified information.

PUBLIC INFORMATION

Repeal.

SEC. 148. Section 49(d) of the Arms Control and Disarmament Act (22 U.S.C. 2589(d)) is repealed.

REPORT TO CONGRESS; POSTURE STATEMENT

SEC. 149. Section 50 of the Arms Control and Disarmament Act (22 U.S.C. 2590) is amended by adding at the end thereof the following new sentence: "Such report shall include a complete and analytical statement of arms control and disarmament goals, negotiations, and activities and an appraisal of the status and prospects of arms control negotiations and of arms control measures in effect.".

CONSULTATION REGARDING ARMS TRANSFERS

SEC. 150. (a) Section 414 of the Mutual Security Act of 1954 (22 U.S.C. 1934) is amended by adding at the end thereof the following new section:

"(f) Decisions on issuing licenses for the export of articles on the United States munitions list shall be made in coordination with the Director of the United States Arms Control and Disarmament Agency and shall take into account the Director's opinion as to whether the export of an article will contribute to an arms race, or increase the possibility of outbreak or escalation of conflict, or prejudice the development of bilateral or multilateral arms control arrangements.".

Coordination with Director of U.S. Arms Control and Disarmament Agency.

(b) Section 42(a) of the Foreign Military Sales Act (22 U.S.C. 2791(a)), is amended by striking out "(3)" and inserting in lieu thereof "(3) in coordination with the Director of the United States Arms Control and Disarmament Agency, the Director's opinion as to".

(c) Section 511 of the Foreign Assistance Act of 1961 (22 U.S.C. 2321(d)) is amended by striking out the words "take into account" and inserting in lieu thereof "be made in coordination with the Director of the United States Arms Control and Disarmament Agency and shall take into account his opinion as to".

22 USC 2321d.

PART 3—FOREIGN SERVICE BUILDINGS

AUTHORIZATION

SEC. 171. (a) Subsection (g) of section 4 of the Foreign Service Buildings Act, 1926 (22 U.S.C. 295) is amended—

(1) in subparagraph (1)(A), by striking out "$2,190,000" and inserting in lieu thereof "$850,000";

(2) in subparagraph (1)(B), by striking out "$375,000" and inserting in lieu thereof "$240,000";

(3) in subparagraph (1)(C), by striking out "$4,780,000" and inserting in lieu thereof "$682,000";

(4) in subparagraph (1)(D), by striking out "$2,585,000" and inserting in lieu thereof "$1,243,000"; and

(5) in subparagraph (1)(E), by striking out "$3,518,000" and inserting in lieu thereof "$10,433,000".

(b) Section 4 of such Act is further amended—

(1) by redesignating subsection (h) as subsection (i) and by inserting immediately after subsection (g) the following new subsection:

Appropriation authorization.

"(h) In addition to amounts authorized before the date of enactment of this subsection, there is authorized to be appropriated to the Secretary of State—

"(1) for acquisition by purchase or construction (including acquisition of leaseholds) of sites and buildings in foreign countries under this Act, and for major alterations of buildings acquired under this Act, the following sums—

"(A) for use in Africa, not to exceed $865,000 for the fiscal year 1977;

"(B) for use in the American Republics, not to exceed $2,450,000 for the fiscal year 1977;

"(C) for use in Europe, not to exceed $6,725,000 for fiscal year 1977;

"(D) for use in East Asia, not to exceed $875,000 for the fiscal year 1977;

"(E) for use in the Near East and South Asia, not to exceed $8,005,000, of which not to exceed $3,985,000 may be appropriated for the fiscal year 1976;

"(F) for facilities for the United States Information Agency, not to exceed $3,745,000, of which not to exceed $2,800,000 may be appropriated for the fiscal year 1976; and

"(G) for facilities for agricultural and defense attaché housing, not to exceed $420,000 for the fiscal year 1977; and

"(2) for use to carry out the other purposes of this Act for fiscal years 1976 and 1977, $71,600,000, of which not to exceed $32,840,000 may be appropriated for fiscal year 1976."; and

(2) by striking out paragraph (2) of subsection (i) as so redesignated by paragraph (1) of this Act and inserting in lieu thereof the following new paragraph:

"(2) Not to exceed 10 per centum of the funds authorized by any subparagraph under paragraph (1) of subsections (d), (f), (g), and (h) of this section may be used for any of the purposes for which funds are authorized under any other subparagraph of any of such paragraph (1).".

TITLE II—INTERNATIONAL ORGANIZATIONS, CONFERENCES, AND COMMISSIONS

GENERAL AUTHORIZATIONS

SEC. 201. (a) There are authorized to be appropriated for the Department of State for the fiscal year 1976, to carry out the authorities, functions, duties, and responsibilities in the conduct of the foreign affairs of the United States, including trade negotiations, and other purposes authorized by law, the following amounts:

(1) for "International Organizations and Conferences", $250,228,000;

(2) for "International Commissions", $19,993,000; and

(3) such additional amounts as may be necessary for increases in salary, pay, retirement, other employee benefits authorized by law, or other nondiscretionary costs.

(b) Amounts appropriated under this section are authorized to remain available until expended.

EXCEPTION TO LIMITATION ON PAYMENTS TO THE INTERNATIONAL CIVIL AVIATION ORGANIZATION

SEC. 202. Notwithstanding the proviso in the seventh paragraph of title I of the Act of October 25, 1972 (86 Stat. 1110), there is authorized to be appropriated $366,675 for the contribution of the United States toward the calendar year 1974 budget of the International Civil Aviation Organization.

Appropriation authorization.

LIMITATIONS ON CONTRIBUTIONS AND PAYMENTS TO IAEA, ICAO, AND UNITED NATIONS PEACEKEEPING ACTIVITIES

22 USC 287e note.

SEC. 203. Public Law 92-544 (86 Stat. 1109, 1110) is amended, in the paragraph headed "CONTRIBUTIONS TO INTERNATIONAL ORGANIZATIONS" under "INTERNATIONAL ORGANIZATIONS AND CONFERENCES", by inserting a period after "organization", striking out the text following and inserting in lieu thereof the following: "Appropriations are authorized and contributions and payments may be made to the following organizations and activities notwithstanding that such contributions and payments are in excess of 25 per centum of the total annual assessment of the respective organization or 33⅓ per centum of the budget for the respective activity: the International Atomic Energy Agency, the joint financing program of the International Civil Aviation Organization, and contributions for international peacekeeping activities conducted by or under the auspices of the United Nations or through multilateral agreements.".

INTERPARLIAMENTARY UNION

Appropriation authorization.

SEC. 204. (a) The first section of the Act entitled "An Act to authorize participation by the United States in the Interparliamentary Union", approved June 28, 1935 (22 U.S.C. 276), is amended to read as follows: "That there is authorized to be appropriated for fiscal year 1976 and for each subsequent fiscal year—

"(1) for the annual contribution of the United States toward the maintenance of the Bureau of the Interparliamentary Union for the promotion of international arbitration, an amount equal to 13.61 per centum of the budget of the Interparliamentary Union for the year with respect to which such contribution is to be made if the American group of the Interparliamentary Union has approved such budget; and

"(2) to assist in meeting the expenses of the American group for such fiscal year, $45,000, or so much thereof as may be necessary.

Funds made available under paragraph (2) shall be disbursed on vouchers to be approved by the president and the executive secretary of the American group.".

(b) Such Act of June 28, 1935, is further amended by adding at the end thereof the following new section:

22 USC 276a-1.

"SEC. 3. After January 1, 1976, there shall be not to exceed nine delegates from the House of Representatives to each Conference of the Interparliamentary Union, such delegates to be appointed by the Speaker of the House of Representatives. Not more than five delegates from the House of Representatives to any such Conference may be of the same political party.".

22 USC 276c.

(c) The Act of June 30, 1958 (Public Law 85-474; 72 Stat. 244) is amended by adding at the end thereof the following new sentence: "Not less than two Senators so designated shall be members of the Committee on Foreign Relations.".

UNITED STATES CONTRIBUTION TO THE UNITED NATIONS UNIVERSITY ENDOWMENT FUND

Appropriation authorization.

SEC. 205. There is authorized to be appropriated, upon request of the President, to the President for fiscal year 1977, $10,000,000 to be used for a contribution of the United States to the United Nations

University Endowment Fund, such contribution to be made on such terms as the President finds will promote the purposes of the University as stated in University Charter approved by the General Assembly of the United Nations in December 1973; except that the contribution of the United States to the United Nations University Endowment Fund may not exceed 25 per centum of the total amount actually contributed to such fund by other members of the United Nations. Amounts appropriated under this section are authorized to remain available until expended.

INTERNATIONAL BOUNDARY AND WATER COMMISSION, UNITED STATES AND MEXICO

SEC. 206. Section 2 of the Act of June 4, 1936 (49 Stat. 1463), is amended—

(1) by striking out "$3,000,000" and inserting in lieu thereof "$4,500,000"; and

(2) by striking out "$4,000,000", and inserting in lieu thereof "$5,500,000".

TITLE III—EDUCATIONAL EXCHANGE

AUTHORIZATION

SEC. 301. (a) There are authorized to be appropriated for the Department of State for fiscal year 1976, to carry out the authorities, functions, duties, and responsibilities in the conduct of the foreign affairs of the United States, including trade negotiations, and other purposes authorized by law, the following amounts:

(1) for "Educational Exchange", $78,800,000; and

(2) such additional amounts as may be necessary for increases in salary, pay, retirement, other employee benefits authorized by law, or other nondiscretionary costs.

(b) Amounts appropriated under this section are authorized to remain available until expended.

(c) No funds from the Government and Relief in Occupied Areas (G.A.R.I.O.A.) Account are authorized to be appropriated under this section.

TITLE IV—FOREIGN SERVICE

ASSIGNMENT OF FOREIGN SERVICE OFFICERS TO PUBLIC ORGANIZATIONS

SEC. 401. (a) Section 576 of the Foreign Service Act of 1946 (22 U.S.C. 966) is amended as follows:

(1) Subsection (a) is amended to read as follows:

"(a)(1) A substantial number of Foreign Service officers shall, before their fifteenth year of service as such officers, be assigned in the United States, or any territory or possession thereof, for significant duty with a State or local government, public school, community college, or other public organization designated by the Secretary. Such duty may include assignment to a Member or office of the Congress, except that of the total number of officers assigned under this section at any one time, not more than 20 per centum may be assigned to Congress.

"(2) To the extent practical, assignments shall be for at least twelve consecutive months and may be on a reimbursable basis. Any such reimbursements shall be credited to and used by the appropriations made available for the salaries and expenses of officers or employees.".

(2) Strike out the second and third sentences of subsection (b).

(3) At the end thereof add the following new subsections:

Report to Speaker of the House and Senate committee.

"(e) Not later than six months after the date of enactment of this subsection, the Secretary shall transmit a report to the Speaker of the House of Representatives and the Committee on Foreign Relations of the Senate describing the steps he has taken to carry out the provisions of this section; and he shall transmit such reports annually thereafter.

Effective date.

"(f) The provisions of this section shall apply only to a Foreign Service officer who has completed his tenth year of service as such an officer on or after October 1, 1975.".

Repeal.

(b) Section 9(b) of the State Department/USIA Authorization Act, Fiscal Year 1975 (22 U.S.C. 966 note) is repealed.

ELIMINATION OF CERTAIN AFFIDAVIT REQUIREMENTS FOR FOREIGN SERVICE OFFICERS WHO ARE PROMOTED

SEC. 402. Section 621 of the Foreign Service Act of 1946 (22 U.S.C. 991) is amended by adding at the end thereof the following new sentence: "The affidavit requirements of sections 3332 and 3333(a) of title 5 of the United States Code shall not apply with respect to a Foreign Service officer who has complied with such requirements and who is subsequently promoted by appointment to a higher class without a break in service.".

WITHIN-CLASS SALARY INCREASES OF FOREIGN SERVICE OFFICERS AND RESERVE OFFICERS

SEC. 403. Section 625 of the Foreign Service Act of 1946 (22 U.S.C. 995) is amended to read as follows:

"SEC. 625. (a) Any Foreign Service officer or any Reserve officer, whose services meet the standards required for the efficient conduct of the work of the Service and who shall have been in a given class for a continuous period of nine months or more, shall, on the first day of the first pay period that begins on or after July 1 each year, receive an increase in salary to the next higher rate for the class in which such officer is serving. Credit toward such nine-month period may be granted to an officer in accordance with such regulations as the Secretary may prescribe for any civilian service of such officer with the Government or with the government of the District of Columbia which was performed subsequent to any break in service in excess of three calendar days and subsequent to the officer's last equivalent increase in pay. As used in this subsection, the term 'equivalent increase in pay' means—

"Equivalent increase in pay."

"(1) any increase in basic salary resulting from—

"(A) a grade or class promotion,

"(B) a regularly scheduled within-grade or within-class step increase, or

"(C) a salary adjustment or combination of adjustments—

"(i) made since the last equivalent increase in pay,

"(ii) resulting from conversion from one pay system to another, and

"(iii) equal to or greater than the amount of the within-class increase for the class to which the officer was appointed; or

"(2) such other increases in salary as the Secretary may by regulation designate;

but does not include any general increase in salary granted by law or any within-grade or within-class increase in salary awarded for meritorious performance.

"(b) Without regard to any other law, the Secretary is authorized to grant to any Foreign Service officer or any Reserve officer additional increases in salary, within the salary range established for the class in which such officer is serving, based upon especially meritorious service.".

GRIEVANCE PROCEDURE

SEC. 404. (a) Title VI of the Foreign Service Act of 1946 (22 U.S.C. 981) is amended by adding at the end thereof the following new part:

"PART J—FOREIGN SERVICE GRIEVANCES

"STATEMENT OF PURPOSE

"SEC. 691. It is the purpose of this part to provide officers and employees of the Service and their survivors a grievance procedure to insure a full measure of due process, and to provide for the just consideration and resolution of grievances of such officers, employees, and survivors. 22 USC 1037.

"REGULATIONS OF THE SECRETARY

"SEC. 692. The Secretary shall, consistent with the purposes stated in section 691 of this Act, implement this part by promulgating regulations, and revising those regulations when necessary, to provide for the consideration and resolution of grievances by a board. No such regulation promulgated by the Secretary shall in any manner alter or abridge the provisions of due process established by this section for grievants. The regulations shall include, but not be limited to, the following: 22 USC 1037a.

"(1) Procedures for the resolution of grievances in accordance with the purposes of this part shall be established by agreement between the Secretary and the organization accorded recognition as the exclusive representative of the officers and employees of the Service. If a grievance is not otherwise resolved under agency procedures within ninety days of presentation, a grievant shall be entitled to file a grievance with the board for its consideration and resolution. For the purposes of the regulations— Definitions.

"(A) 'grievant' shall mean any officer or employee of the Service who is a citizen of the United States; or for purposes of subparagraphs (C) and (D), a former officer or employee of the Service; or in the case of death of the officer or employee, a surviving spouse or dependent family member of the officer or employee;

"(B) 'grievance' shall mean any act or condition subject to the control of the Department of State, United States Information Agency, or the Agency for International Development (hereafter in this part referred to as the foreign affairs agencies, or agencies) which is alleged to deprive the grievant of a right or benefit authorized by law or regulation, or is otherwise a source of concern or dissatisfaction to the grievant; and grievances shall include but not be limited to complaints against separation of an officer or employee allegedly contrary to law or regulation or predicated upon alleged inaccuracy (including inaccuracy resulting from omission of any relevant and material document) or falsely prejudicial character of any part of the grievant's official personnel record; other alleged violation, misinterpretation, or misapplication of applicable law, regulation, or published policy affecting the terms and conditions of the grievant's employment or career status; allegedly wrongful disciplinary action against

an employee constituting a reprimand or suspension from official duties; dissatisfaction with any matter subject to the control of the agency with respect to the grievant's physical working environment; alleged inaccuracy, error, or falsely prejudicial material in the grievant's official personnel file; and action alleged to be in the nature of reprisal for an employee's participation in grievance procedures; but grievances shall not include complaints against individual assignments or transfers of Foreign Service officers or employees which are ordered in accordance with law and regulation, judgments of Selection Boards pursuant to section 623 or of equivalent bodies in ranking Foreign Service officers and employees for promotion on the basis of merit or judgments in examinations prescribed by the Board of Examiners pursuant to section 516 or 517, termination of time limited appointments pursuant to section 638 and the pertinent regulations prescribed by the employing agency, or any complaints or appeals where a specific statutory appeal procedure exists (other matters not specified in this paragraph may be excluded as grievances only by written agreement of the agencies and the exclusive representative organization);

22 USC 993.

22 USC 911, 912.

22 USC 1008.

"(C) except as provided in paragraph (D), when the grievant is a former officer or employee or a surviving spouse or dependent family member of a former officer or employee, 'grievance' shall mean a complaint that an allowance or other financial benefit has been denied arbitrarily, capriciously, or contrary to applicable law or regulation;

"(D) when the grievant is a former officer who was involuntarily retired pursuant to sections 633 and 634 of this Act within six years prior to the enactment of this part, 'grievance' shall mean a complaint that such involuntary retirement violated applicable law or regulation effective at the time of the retirement or that the involuntary retirement was predicated directly upon material contained in the grievant's official personnel file alleged to be erroneous or falsely prejudicial in character; and

22 USC 1003, 1004.

"(E) 'party' shall mean the grievant or the foreign affairs agency having control over the act or condition forming the subject matter of the grievance.

Board membership.

"(2)(A) The board considering and resolving grievances shall be composed of independent, distinguished citizens of the United States, well-known for their integrity, who are not active officers, employees or consultants of the foreign affairs agencies (except as members of the Grievance Board established under 3 Foreign Affairs Manual 660) but may be retired officers or employees. The board shall consist of not less than five members including a Chairman. Membership of the board, selection of the Chairman, and terms of the service of the members shall be determined by the foreign affairs agencies and the organization accorded recognition as the exclusive representative of the officers or employees of the Service in accordance with procedures agreed pursuant to paragraph (1). If the agencies and organization do not agree on membership of the board prior to the effective date of this part, the members shall be chosen by elimination, in equal numbers from a list submitted by the agencies and a list submitted by the organization, and the Chairman shall be chosen, by alternate striking by the agencies and the organization, from a separate list obtained from the Federal Mediation and Conciliation Service. Unless otherwise agreed upon, the term of service shall be two years, renewable. All members of the board shall act as impartial individuals in considering grievances. The board may act by or through panels or indi-

Term.

vidual members designated by the Chairman, except that hearings within the continental United States shall be held by panels of at least three members unless the parties agree otherwise. Members including the Chairman who are not employees of the Federal Government shall receive compensation for each day they are performing their duties as members of the board (including traveltime) at the daily rate paid an individual at GS–18 of the General Schedule under section 5332 of title 5 of the United States Code.

Compensation.

5 USC 5332 note.

"(B) In accordance with this part, the board may adopt regulations concerning the organization of the board and such regulations as may be necessary to govern its proceedings. The board may obtain facilities, services and supplies through the general administrative services of the Department of State. All expenses of the board shall be paid out of funds appropriated to the Department for obligation and expenditure by the board. At the request of the board, officers and employees on the rolls of the foreign affairs agencies may be assigned as staff employees for the board. Within the limit of appropriated funds, the board may appoint and fix the compensation of such other employees as the board considers necessary to carry out its functions. The officers and employees so appointed or assigned shall be responsible solely to the board and the board shall prepare the performance evaluation reports for such officers and employees. The records of the board shall be maintained by the board and shall be separate from all other records of the foreign affairs agencies.

Recordkeeping.

"(3) A grievance under such regulations is forever barred, and the board shall not consider or resolve the grievance, unless the grievance is presented within a period of three years after the occurrence or occurrences giving rise to the grievance, except that if the grievance arose earlier than two years prior to the date the regulations are first promulgated or placed into effect, the grievance shall be so barred, and not so considered and resolved, unless it is presented within a period of two years after the effective date of the regulations. There shall be excluded from the computation of any such period any time during which the grievant was unaware of the grounds which are the basis of the grievance and could not have discovered such grounds if he or she had exercised, as determined by the board, reasonable diligence.

"(4) The board shall conduct a hearing, at the request of a grievant, in any case which involves disciplinary action or a grievant's retirement from the Service under section 633 of this Act or which in the judgment of the board can best be resolved by a hearing or by presentation of oral argument. The grievant, a reasonable number of representatives of the grievant's own choosing, and a reasonable number of representatives of the foreign affairs agency concerned are entitled to be present at the hearing. The board may, after considering the views of the parties and any other individuals connected with the grievance, decide that a hearing should be open to others. Testimony at a hearing shall be given by oath or affirmation, which any board member or person designated by the board shall have authority to administer (and this paragraph so authorizes). Each party (A) shall be entitled to examine and cross-examine witnesses at the hearing or by deposition, and (B) shall be entitled to serve interrogatories upon another party and have such interrogatories answered by the other party unless the board finds such interrogatory irrelevant or immaterial. Upon request of the board, or upon a request of the grievant deemed relevant and material by the board, the foreign affairs agencies shall promptly make available at the hearing or by deposition any witness under the control, supervision, or responsibility of the foreign affairs agencies, except that if the board determines that the presence of

Hearing.

22 USC 1003.

such witness at the hearing is required for just resolution of the grievance, then the witness shall be made available at the hearing.

"(5) Any grievant filing a grievance, and any witness or other person involved in a proceeding under the regulations adopted pursuant to paragraph (1), shall be free from any restraint, interference, coercion, harassment, discrimination, or reprisal in those proceedings or by virtue of them. The grievant has the right to a representative of his own choosing at every stage of the proceedings. The grievant and his representatives who are under the control, supervision, or responsibility of the foreign affairs agencies shall be granted reasonable periods of administrative leave to prepare, to be present, and to present the grievance of such grievant. Any witness under the control, supervision, or responsibility of the foreign affairs agencies shall be granted reasonable periods of administrative leave to appear and testify at any such proceeding.

Access to agency records.

"(6) In considering the validity of a grievance, the board (except as provided in paragraph (8)) shall have access, to the extent permitted by law, to any agency record considered by the board to be relevant to the grievant and the subject matter of the grievance.

"(7) The agency shall, subject to applicable law, promptly furnish the grievant any agency record which the grievant requests to substantiate his grievance and which the board determines is relevant and material to the proceeding. When deemed appropriate by the board, a grievant may be supplied with only a summary or extract of classified material.

"(8) Notwithstanding paragraphs (6) and (7), nothing in this Act shall be construed to require the disclosure of any official agency record to the board or a grievant where the head of agency or his deputy determines in writing that such disclosure would adversely affect the foreign policy or national security of the United States.

"(9) The agencies shall use their best endeavors to expedite security clearances whenever necessary to insure a fair and prompt investigation and hearing.

"(10) During any hearings held by the board, any oral or documentary evidence may be received but the board shall exclude any irrelevant, immaterial, or unduly repetitious evidence as determined under section 556 of title 5 of the United States Code. A verbatim transcript shall be made of any hearing and shall be part of the record of proceedings. In those grievances in which the board holds no hearing, the board shall offer to each party the opportunity to review and to supplement, by written submissions, the record of proceedings prior to its decision. The board decision shall be based exclusively on the record of proceedings.

"(11) If the board determines that the agency is considering any action of the character of separation or termination of the grievant, disciplinary action against the grievant, or recovery from the grievant of alleged overpayment of salary, expenses, or allowances, which is related to a grievance pending before the board, and that such action should be suspended, the agency shall suspend such action until the board has ruled upon such grievance. Other matters not specified in this paragraph may be made subject to suspension of action by the procedures established by agreement under paragraph (1). Notwithstanding such suspension of action, the head of the agency concerned or a chief of mission or principal officer may exclude an officer or employee from official premises or from the performance of specified duties when determined in writing to be essential to the functioning of the post or office to which the employee is assigned.

"(12) Upon completion of the hearing or the compilation of such record as the board may find appropriate in the absence of a hearing, the board shall expeditiously decide the grievance on the basis of the record of proceedings. In each case the decision of the board shall be in writing, shall include findings of fact, and shall include the reasons for the board's decision. The grievant shall have access to the record of proceedings including the decision.

"(13) If the board finds that the grievance is meritorious, the board shall have authority, within the limitations of the authority of the head of the agency, to direct the agency (A) to correct any official personnel record relating to the grievant which the board finds to be inaccurate or falsely prejudicial; (B) to reverse an administrative decision denying the grievant compensation or any other perquisite of employment authorized by law or regulation when the board finds that such denial was arbitrary, capricious, or contrary to law or regulation; (C) to retain in service an employee whose termination would be in consequence of the matter by which the employee is aggrieved; (D) to reinstate with back pay, under applicable law and regulations, an employee where it is clearly established that the separation or suspension without pay of the employee was unjustified or unwarranted; and (E) to take such other remedial action as may be provided in the procedures agreed pursuant to paragraph (1). Such orders of the board shall be final, subject to judicial review as provided in section 694, except that reinstatement of former officers who have filed grievances under paragraph (1) (D) shall be presented as board recommendations, the decision on which shall be subject to the sole discretion of the agency head or his designee who shall take into account the needs of the Service in deciding on such recommendations, and shall not be reviewable under section 694.

Post, p. 770.

"(14) If the board finds that the grievance is meritorious and that remedial action should be taken that directly relates to promotion or assignment of the grievant or to other remedial action not provided in paragraph (13), or if the board finds that the evidence before it warrants disciplinary action against any officer or employee, it shall make an appropriate recommendation to the head of the agency, and forward to the head of the agency the record of the board's proceedings including the transcript of the hearing if any. The head of the agency (or his designee, who shall not have direct responsibility for administrative management) shall make a written decision on the board's recommendation. A recommendation of the board may be rejected in part or in toto if the action recommended would be contrary to law, would adversely affect the foreign policy or security of the United States, or would substantially impair the efficiency of the Service. If the decision rejects the recommendation in part or in toto, the decision shall state specifically any and all reasons for such action. Pending the decision, there shall be no ex parte communication concerning the grievance between the agency head (or his designee) and any person involved in the grievance proceeding.

"(15) The board shall have authority to insure that no copy of the determination of the agency head or his designee to reject a board recommendation, no notation of the failure of the board to find for the grievant, and no notation that a proceeding is pending or has been held, shall be entered in the personnel records of the grievant (unless by order of the grievance board as a remedy for the grievance) or any other officer or employee connected with the grievance. Nothing contained herein shall prevent the agency from maintaining grievance records under appropriate safeguards to preserve confidentiality.

"(16) A grievant whose grievance is found not to be meritorious by the board may obtain reconsideration by the board only upon presenting newly discovered or previously unavailable material evidence not previously considered by the board and then only upon approval of the board.

"RELATIONSHIP TO OTHER REMEDIES

Filing of grievances.
22 USC 1037b.

"SEC. 693. (a) A grievant may not file a grievance under this part if he has formally requested, prior to filing a grievance, that the matter or matters which are the basis of the grievance be considered or resolved, and relief provided, under a provision of law, regulation, or Executive order (other than under this part) and the matter has been carried to final decision thereunder on its merits or is still under consideration.

"(b) If a grievant is not prohibited from filing a grievance under this part by subsection (a), he may file a grievance within the jurisdiction of the board under this part notwithstanding the fact that such grievance may be eligible for consideration, resolution, and relief under a regulation or Executive order other than under this part, but such election of remedies shall be final upon the acceptance of jurisdiction by the board.

"JUDICIAL REVIEW

22 USC 1037c.

"SEC. 694. Notwithstanding any other provision of law, any aggrieved party may obtain judicial review of regulations promulgated by the Secretary under section 692 of this Act, revisions of such regulations, and final actions of the agency head or the board pursuant to such section, in the District Courts of the United States, in accordance with the standards set forth in chapter 7 of title 5 of the United States Code. Section 706 of title 5 shall apply without limitation or exception.".

Ante, p. 765.

5 USC 701.
5 USC 706.

22 USC 1037a note.

(b) The Secretary of State shall promulgate and place into effect the regulations required by section 692 of the Foreign Service Act of 1946 (as added by subsection (a) of this section) and shall establish the board and appoint the members of the board provided for by such section 692, not later than one hundred and twenty days after the date of enactment of this Act.

PREDEPARTURE LODGING ALLOWANCE

SEC. 405. Paragraph (2) of section 5924 of title 5, United States Code, is amended by striking out clause (A) thereof and inserting in lieu thereof the following:

"(A) a foreign area (including costs incurred in the United States prior to departure for a post of assignment in a foreign area); or".

AUTHORITY OF CERTAIN OFFICERS AND EMPLOYEES TO CARRY FIREARMS

SEC. 406. The Act of June 28, 1955 (22 U.S.C. 2666) is amended by striking out all after the enacting clause and inserting in lieu thereof the following: "That, under such regulations as the Secretary of State may prescribe, security officers of the Department of State and the Foreign Service who have been designated by the Secretary of State and who have qualified for the use of firearms, are authorized to carry firearms for the purpose of protecting heads of foreign states,

official representatives of foreign governments, and other distinguished visitors to the United States, the Secretary of State, the Deputy Secretary of State, official representatives of the United States Government, and members of the immediate families of any such persons, both in the United States and abroad. The Secretary shall transmit such regulations to the Speaker of the House of Representatives and the Committee on Foreign Relations of the Senate not more than twenty days before the date on which such regulations take effect.".

Regulations, transmittal to Speaker of the House and Senate committee.

DEATH GRATUITIES FOR CONSULAR AGENTS AND UNITED STATES REPRESENTATIVES TO INTERNATIONAL ORGANIZATIONS

SEC. 407. (a) Paragraph (1) of section 14(d) of the Act entitled "An Act to provide certain basic authority for the Department of State", approved August 1, 1956, is amended to read as follows:

"Foreign Service employee." 22 USC 2679a.

"(1) the term 'Foreign Service employee' means any national of the United States who is a chief of mission, a Foreign Service officer, a Foreign Service information officer, a Foreign Service Reserve officer of limited or unlimited tenure, a Foreign Service staff officer or employee, a consular agent, or a United States representative to an international organization or commission;".

(b) The amendment made by subsection (a) shall apply with respect to deaths occurring on or after January 1, 1973.

Effective date. 22 USC 2679a note.

TITLE V—GENERAL

MIGRATION AND REFUGEE ASSISTANCE

SEC. 501. (a) Section 2(c) of the Refugee and Migration Assistance Act of 1962 is amended to read as follows:

22 USC 2601.

"(c)(1) Whenever the President determines it to be important to the national interest he is authorized to furnish on such terms and conditions as he may determine assistance under this Act for the purpose of meeting unexpected urgent refugee and migration needs.

"(2) There is established a United States Emergency Refugee and Migration Assistance Fund to carry out the purposes of this section. There is authorized to be appropriated to the President from time to time such amounts as may be necessary for the fund to carry out the purposes of this section, except that no amount of funds may be appropriated which, when added to amounts previously appropriated but not yet obligated, would cause such amounts to exceed $25,000,000. Amounts appropriated hereunder shall remain available until expended.

U.S. Emergency Refugee and Migration Assistance Fund. Establishment. Appropriation authorization.

"(3) Whenever the President requests appropriations pursuant to this authorization he shall justify such requests to the Committee on Foreign Relations of the Senate and to the Speaker of the House of Representatives, as well as to the Committees on Appropriations.".

(b)(1) There are authorized to be appropriated for the Department of State for fiscal year 1976, to carry out the authorities, functions, duties, and responsibilities in the conduct of the foreign affairs of the United States, including trade negotiations, and other purposes authorized by law, the following amounts:

Appropriation authorization.

(A) for "Migration and Refugee Assistance," $10,100,000; and

(B) such additional amounts as may be necessary for increases in salary, pay, retirement, other employee benefits authorized by law, or other nondiscretionary costs.

(2) Amounts appropriated under this subsection are authorized to remain available until expended.

Appropriation authorization.

(c) In addition to amounts otherwise available, there are authorized to be appropriated to the Secretary of State for fiscal year 1976 not to exceed $20,000,000 to carry out the provisions of section 101(b) of the Foreign Relations Authorizations Act of 1972 (relating to Russian refugee assistance) and to furnish similar assistance to refugees from Communist countries in Eastern Europe. Not to exceed 20 per centum of the amount appropriated under this subsection may be used to resettle refugees in any country other than Israel. Appropriations made under this subsection are authorized to remain available until expended.

86 Stat. 489.

TRANSFER OF APPROPRIATION AUTHORIZATION

SEC. 502. In addition to the amount authorized under section 101(a), 201(a), 301(a), or 501(b) of this Act, any unappropriated portion of the amount authorized under any such section is authorized for appropriation under any other such section, provided the amount authorized under such section is not increased by more than 10 per centum.

UNITED NATIONS COOPERATION REGARDING MEMBERS OF UNITED STATES ARMED FORCES MISSING IN ACTION IN SOUTHEAST ASIA

SEC. 503. (a) The President shall direct the United States Ambassador to the United Nations to insist that the United Nations take all necessary and appropriate steps to obtain an accounting of members of the United States Armed Forces and United States civilians missing in action in Southeast Asia.

Presidential report to Speaker of the House and President of the Senate.

(b) Not later than six months after the date of enactment of this section, the President shall transmit to the Speaker of the House of Representatives and the President of the Senate a report on actions taken by the United Nations to obtain such an accounting.

Approved November 29, 1975.

LEGISLATIVE HISTORY:

HOUSE REPORTS: No. 94-139 accompanying H.R. 4510, No. 94-140 accompanying H.R. 5810, No. 94-264 accompanying H.R. 7500, and No. 94-281 accompanying H.R. 7567 (Comm. on International Relations) and No. 94-660 (Comm. of Conference).

SENATE REPORT No. 94-337 (Comm. on Foreign Relations).

CONGRESSIONAL RECORD, Vol. 121 (1975):

May 6, H.R. 4510 and H.R. 5810 considered and passed House.

June 23, H.R. 7500 considered and passed House.

July 9, H.R. 7567 considered and passed House.

Sept. 10, 11, considered and passed Senate.

Nov. 4, considered and passed House, amended, in lieu of H.R. 4510, H.R. 5810, H.R. 7500 and H.R. 7567.

Nov. 13, Senate agreed to conference report.

Nov. 18, House agreed to conference report.

Public Law 94-142
94th Congress

An Act

To amend the Education of the Handicapped Act to provide educational assistance to all handicapped children, and for other purposes.

Nov. 29, 1975
[S. 6]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Education for All Handicapped Children Act of 1975".

Education for All Handicapped Children Act of 1975.
20 USC 1401 note.

EXTENSION OF EXISTING LAW

SEC. 2. (a)(1)(A) Section 611(b)(2) of the Education of the Handicapped Act (20 U.S.C. 1411(b)(2)) (hereinafter in this Act referred to as the "Act"), as in effect during the fiscal years 1976 and 1977, is amended by striking out "the Commonwealth of Puerto Rico,".

(B) Section 611(c)(1) of the Act (20 U.S.C. 1411(c)(1)), as in effect during the fiscal years 1976 and 1977, is amended by striking out "the Commonwealth of Puerto Rico,".

(2) Section 611(c)(2) of the Act (20 U.S.C. 1411(c)(2)), as in effect during the fiscal years 1976 and 1977, is amended by striking out "year ending June 30, 1975" and inserting in lieu thereof the following: "years ending June 30, 1975, and 1976, and for the fiscal year ending September 30, 1977", and by striking out "2 per centum" each place it appears therein and inserting in lieu thereof "1 per centum".

(3) Section 611(d) of the Act (20 U.S.C. 1411(d)), as in effect during the fiscal years 1976 and 1977, is amended by striking out "year ending June 30, 1975" and inserting in lieu thereof the following: "years ending June 30, 1975, and 1976, and for the fiscal year ending September 30, 1977".

(4) Section 612(a) of the Act (20 U.S.C. 1412(a)), as in effect during the fiscal years 1976 and 1977, is amended—

(A) by striking out "year ending June 30, 1975" and inserting in lieu thereof "years ending June 30, 1975, and 1976, for the period beginning July 1, 1976, and ending September 30, 1976, and for the fiscal year ending September 30, 1977"; and

(B) by striking out "fiscal year 1974" and inserting in lieu thereof "preceding fiscal year".

(b)(1) Section 614(a) of the Education Amendments of 1974 (Public Law 93-380; 88 Stat. 580) is amended by striking out "fiscal year 1975" and inserting in lieu thereof the following: "the fiscal years ending June 30, 1975, and 1976, for the period beginning July 1, 1976, and ending September 30, 1976, and for the fiscal year ending September 30, 1977,". 20 USC 1411 note.

(2) Section 614(b) of the Education Amendments of 1974 (Public Law 93-380; 88 Stat. 580) is amended by striking out "fiscal year 1974" and inserting in lieu thereof the following: "the fiscal years ending June 30, 1975, and 1976, for the period beginning July 1, 1976, and ending September 30, 1976, and for the fiscal year ending September 30, 1977,". 20 USC 1412 note.

20 USC 1413 note.

(3) Section 614(c) of the Education Amendments of 1974 (Public Law 93-380; 88 Stat. 580) is amended by striking out "fiscal year 1974" and inserting in lieu thereof the following: "the fiscal years ending June 30, 1975, and 1976, for the period beginning July 1, 1976, and ending September 30, 1976, and for the fiscal year ending September 30, 1977,".

Ante, p. 773.

(c) Section 612(a) of the Act, as in effect during the fiscal years 1976 and 1977, and as amended by subsection (a)(4), is amended by inserting immediately before the period at the end thereof the following: ", or $300,000, whichever is greater".

Rules.
20 USC 1412.

(d) Section 612 of the Act (20 U.S.C. 1411), as in effect during the fiscal years 1976 and 1977, is amended by adding at the end thereof the following new subsection:

Publication in Federal Register.

"(d) The Commissioner shall, no later than one hundred twenty days after the date of the enactment of the Education for All Handicapped Children Act of 1975, prescribe and publish in the Federal Register such rules as he considers necessary to carry out the provisions of this section and section 611.".

Ante, p. 773.

Appropriation authorization.
20 USC 1411 note.

(e) Notwithstanding the provisions of section 611 of the Act, as in effect during the fiscal years 1976 and 1977, there are authorized to be appropriated $100,000,000 for the fiscal year 1976, such sums as may be necessary for the period beginning July 1, 1976, and ending September 30, 1976, and $200,000,000 for the fiscal year 1977, to carry out the provisions of part B of the Act, as in effect during such fiscal years.

STATEMENT OF FINDINGS AND PURPOSE

20 USC 1401 note.

SEC. 3. (a) Section 601 of the Act (20 U.S.C. 1401) is amended by inserting "(a)" immediately before "This title" and by adding at the end thereof the following new subsections:

"(b) The Congress finds that—

"(1) there are more than eight million handicapped children in the United States today;

"(2) the special educational needs of such children are not being fully met;

"(3) more than half of the handicapped children in the United States do not receive appropriate educational services which would enable them to have full equality of opportunity;

"(4) one million of the handicapped children in the United States are excluded entirely from the public school system and will not go through the educational process with their peers;

"(5) there are many handicapped children throughout the United States participating in regular school programs whose handicaps prevent them from having a successful educational experience because their handicaps are undetected;

"(6) because of the lack of adequate services within the public school system, families are often forced to find services outside the public school system, often at great distance from their residence and at their own expense;

"(7) developments in the training of teachers and in diagnostic and instructional procedures and methods have advanced to the point that, given appropriate funding, State and local educational agencies can and will provide effective special education and related services to meet the needs of handicapped children;

"(8) State and local educational agencies have a responsibility to provide education for all handicapped children, but present financial resources are inadequate to meet the special educational needs of handicapped children; and

"(9) it is in the national interest that the Federal Government assist State and local efforts to provide programs to meet the educational needs of handicapped children in order to assure equal protection of the law.

"(c) It is the purpose of this Act to assure that all handicapped children have available to them, within the time periods specified in section 612(2)(B), a free appropriate public education which emphasizes special education and related services designed to meet their unique needs, to assure that the rights of handicapped children and their parents or guardians are protected, to assist States and localities to provide for the education of all handicapped children, and to assess and assure the effectiveness of efforts to educate handicapped children.".

Ante, p. 773.

(b) The heading for section 601 of the Act (20 U.S.C. 1401) is amended to read as follows:

20 USC 1401 note.

"SHORT TITLE; STATEMENT OF FINDINGS AND PURPOSE".

DEFINITIONS

SEC. 4. (a) Section 602 of the Act (20 U.S.C. 1402) is amended—

20 USC 1401.

(1) in paragraph (1) thereof, by striking out "crippled" and inserting in lieu thereof "orthopedically impaired", and by inserting immediately after "impaired children" the following: ", or children with specific learning disabilities,";

(2) in paragraph (5) thereof, by inserting immediately after "instructional materials," the following: "telecommunications, sensory, and other technological aids and devices,";

(3) in the last sentence of paragraph (15) thereof, by inserting immediately after "environmental" the following: ", cultural, or economic"; and

(4) by adding at the end thereof the following new paragraphs:

"(16) The term 'special education' means specially designed instruction, at no cost to parents or guardians, to meet the unique needs of a handicapped child, including classroom instruction, instruction in physical education, home instruction, and instruction in hospitals and institutions.

"(17) The term 'related services' means transportation, and such developmental, corrective, and other supportive services (including speech pathology and audiology, psychological services, physical and occupational therapy, recreation, and medical and counseling services, except that such medical services shall be for diagnostic and evaluation purposes only) as may be required to assist a handicapped child to benefit from special education, and includes the early identification and assessment of handicapping conditions in children.

"(18) The term 'free appropriate public education' means special education and related services which (A) have been provided at public expense, under public supervision and direction, and without charge, (B) meet the standards of the State educational agency, (C) include an appropriate preschool, elementary, or secondary school education in the State involved, and (D) are provided in conformity with the individualized education program required under section 614(a)(5).

Post, p. 784.

"(19) The term 'individualized education program' means a written statement for each handicapped child developed in any meeting by a representative of the local educational agency or an intermediate educational unit who shall be qualified to provide, or supervise the provision of, specially designed instruction to meet the unique needs of handicapped children, the teacher, the parents or guardian of such child, and, whenever appropriate, such child, which statement shall include (A) a statement of the present levels of educational performance of such child, (B) a statement of annual goals, including short-term instructional objectives, (C) a statement of the specific educational services to be provided to such child, and the extent to which such child will be able to participate in regular educational programs, (D) the projected date for initiation and anticipated duration of such services, and (E) appropriate objective criteria and evaluation procedures and schedules for determining, on at least an annual basis, whether instructional objectives are being achieved.

"(20) The term 'excess costs' means those costs which are in excess of the average annual per student expenditure in a local educational agency during the preceding school year for an elementary or secondary school student, as may be appropriate, and which shall be computed after deducting (A) amounts received under this part or under title I or title VII of the Elementary and Secondary Education Act of 1965, and (B) any State or local funds expended for programs which would qualify for assistance under this part or under such titles.

20 USC 241a note, 881.

"(21) The term 'native language' has the meaning given that term by section 703(a)(2) of the Bilingual Education Act (20 U.S.C. 880b-1(a)(2)).

"(22) The term 'intermediate educational unit' means any public authority, other than a local educational agency, which is under the general supervision of a State educational agency, which is established by State law for the purpose of providing free public education on a regional basis, and which provides special education and related services to handicapped children within that State.".

20 USC 1401.

(b) The heading for section 602 of the Act (20 U.S.C. 1402) is amended to read as follows:

"DEFINITIONS".

ASSISTANCE FOR EDUCATION OF ALL HANDICAPPED CHILDREN

SEC. 5. (a) Part B of the Act (20 U.S.C. 1411 et seq.) is amended to read as follows:

"PART B—ASSISTANCE FOR EDUCATION OF ALL HANDICAPPED CHILDREN

"ENTITLEMENTS AND ALLOCATIONS

20 USC 1411. *Post*, p. 793.

"SEC. 611. (a)(1) Except as provided in paragraph (3) and in section 619, the maximum amount of the grant to which a State is entitled under this part for any fiscal year shall be equal to—

"(A) the number of handicapped children aged three to twenty-one, inclusive, in such State who are receiving special education and related services;

multiplied by—

"(B)(i) 5 per centum, for the fiscal year ending September 30, 1978, of the average per pupil expenditure in public elementary and secondary schools in the United States;

"(ii) 10 per centum, for the fiscal year ending September 30, 1979, of the average per pupil expenditure in public elementary and secondary schools in the United States;

"(iii) 20 per centum, for the fiscal year ending September 30, 1980, of the average per pupil expenditure in public elementary and secondary schools in the United States;

"(iv) 30 per centum, for the fiscal year ending September 30, 1981, of the average per pupil expenditure in public elementary and secondary schools in the United States; and

"(v) 40 per centum, for the fiscal year ending September 30, 1982, and for each fiscal year thereafter, of the average per pupil expenditure in public elementary and secondary schools in the United States;

except that no State shall receive an amount which is less than the amount which such State received under this part for the fiscal year ending September 30, 1977.

"(2) For the purpose of this subsection and subsection (b) through subsection (e), the term 'State' does not include Guam, American Samoa, the Virgin Islands, and the Trust Territory of the Pacific Islands. "State."

"(3) The number of handicapped children receiving special education and related services in any fiscal year shall be equal to the average of the number of such children receiving special education and related services on October 1 and February 1 of the fiscal year preceding the fiscal year for which the determination is made.

"(4) For purposes of paragraph (1)(B), the term 'average per pupil expenditure', in the United States, means the aggregate current expenditures, during the second fiscal year preceding the fiscal year for which the computation is made (or, if satisfactory data for such year are not available at the time of computation, then during the most recent preceding fiscal year for which satisfactory data are available) of all local educational agencies in the United States (which, for purposes of this subsection, means the fifty States and the District of Columbia), as the case may be, plus any direct expenditures by the State for operation of such agencies (without regard to the source of funds from which either of such expenditures are made), divided by the aggregate number of children in average daily attendance to whom such agencies provided free public education during such preceding year. "Average per pupil expenditure."

"(5)(A) In determining the allotment of each State under paragraph (1), the Commissioner may not count—

"(i) handicapped children in such State under paragraph (1)(A) to the extent the number of such children is greater than 12 per centum of the number of all children aged five to seventeen, inclusive, in such State;

"(ii) as part of such percentage, children with specific learning disabilities to the extent the number of such children is greater than one-sixth of such percentage; and

"(iii) handicapped children who are counted under section 121 of the Elementary and Secondary Education Act of 1965. 20 USC 241c-1.

"(B) For purposes of subparagraph (A), the number of children aged five to seventeen, inclusive, in any State shall be determined by the Commissioner on the basis of the most recent satisfactory data available to him.

"(b)(1) Of the funds received under subsection (a) by any State for the fiscal year ending September 30, 1978—

"(A) 50 per centum of such funds may be used by such State in accordance with the provisions of paragraph (2); and

"(B) 50 per centum of such funds shall be distributed by such State pursuant to subsection (d) to local educational agencies and intermediate educational units in such State, for use in accordance with the priorities established under section 612(3).

"(2) Of the funds which any State may use under paragraph (1)(A)—

"(A) an amount which is equal to the greater of—

"(i) 5 per centum of the total amount of funds received under this part by such State; or

"(ii) $200,000;

may be used by such State for administrative costs related to carrying out sections 612 and 613;

"(B) the remainder shall be used by such State to provide support services and direct services, in accordance with the priorities established under section 612(3).

"(c)(1) Of the funds received under subsection (a) by any State for the fiscal year ending September 30, 1979, and for each fiscal year thereafter—

"(A) 25 per centum of such funds may be used by such State in accordance with the provisions of paragraph (2); and

"(B) except as provided in paragraph (3), 75 per centum of such funds shall be distributed by such State pursuant to subsection (d) to local educational agencies and intermediate educational units in such State, for use in accordance with priorities established under section 612(3).

"(2)(A) Subject to the provisions of subparagraph (B), of the funds which any State may use under paragraph (1)(A)—

"(i) an amount which is equal to the greater of—

"(I) 5 per centum of the total amount of funds received under this part by such State; or

"(II) $200,000;

may be used by such State for administrative costs related to carrying out the provisions of sections 612 and 613; and

"(ii) the remainder shall be used by such State to provide support services and direct services, in accordance with the priorities established under section 612(3).

"(B) The amount expended by any State from the funds available to such State under paragraph (1)(A) in any fiscal year for the provision of support services or for the provision of direct services shall be matched on a program basis by such State, from funds other than Federal funds, for the provision of support services or for the provision of direct services for the fiscal year involved.

"(3) The provisions of section 613(a)(9) shall not apply with respect to amounts available for use by any State under paragraph (2).

"(4)(A) No funds shall be distributed by any State under this subsection in any fiscal year to any local educational agency or intermediate educational unit in such State if—

"(i) such local educational agency or intermediate educational unit is entitled, under subsection (d), to less than $7,500 for such fiscal year; or

"(ii) such local educational agency or intermediate educational unit has not submitted an application for such funds which meets the requirements of section 614.

"(B) Whenever the provisions of subparagraph (A) apply, the State involved shall use such funds to assure the provision of a free appropriate education to handicapped children residing in the area served by such local educational agency or such intermediate educational unit. The provisions of paragraph (2)(B) shall not apply to the use of such funds.

"(d) From the total amount of funds available to local educational agencies and intermediate educational units in any State under subsection (b)(1)(B) or subsection (c)(1)(B), as the case may be, each local educational agency or intermediate educational unit shall be entitled to an amount which bears the same ratio to the total amount available under subsection (b)(1)(B) or subsection (c)(1)(B), as the case may be, as the number of handicapped children aged three to twenty-one, inclusive, receiving special education and related services in such local educational agency or intermediate educational unit bears to the aggregate number of handicapped children aged three to twenty-one, inclusive, receiving special education and related services in all local educational agencies and intermediate educational units which apply to the State educational agency involved for funds under this part.

"(e)(1) The jurisdictions to which this subsection applies are Guam, American Samoa, the Virgin Islands, and the Trust Territory of the Pacific Islands.

"(2) Each jurisdiction to which this subsection applies shall be entitled to a grant for the purposes set forth in section 601(c) in an amount equal to an amount determined by the Commissioner in accordance with criteria based on respective needs, except that the aggregate of the amount to which such jurisdictions are so entitled for any fiscal year shall not exceed an amount equal to 1 per centum of the aggregate of the amounts available to all States under this part for that fiscal year. If the aggregate of the amounts, determined by the Commissioner pursuant to the preceding sentence, to be so needed for any fiscal year exceeds an amount equal to such 1 per centum limitation, the entitlement of each such jurisdiction shall be reduced proportionately until such aggregate does not exceed such 1 per centum limitation. *Ante*, p. 774.

"(3) The amount expended for administration by each jurisdiction under this subsection shall not exceed 5 per centum of the amount allotted to such jurisdiction for any fiscal year, or $35,000, whichever is greater.

"(f)(1) The Commissioner is authorized to make payments to the Secretary of the Interior according to the need for such assistance for the education of handicapped children on reservations serviced by elementary and secondary schools operated for Indian children by the Department of the Interior. The amount of such payment for any fiscal year shall not exceed 1 per centum of the aggregate amounts available to all States under this part for that fiscal year.

"(2) The Secretary of the Interior may receive an allotment under this subsection only after submitting to the Commissioner an application which meets the applicable requirements of section 614(a) and which is approved by the Commissioner. The provisions of section 616 shall apply to any such application.

"(g) (1) If the sums appropriated for any fiscal year for making payments to States under this part are not sufficient to pay in full the total amounts which all States are entitled to receive under this part for such fiscal year, the maximum amounts which all States are entitled to receive under this part for such fiscal year shall be ratably reduced. In case additional funds become available for making such payments for any fiscal year during which the preceding sentence is applicable, such reduced amounts shall be increased on the same basis as they were reduced.

"(2) In the case of any fiscal year in which the maximum amounts for which States are eligible have been reduced under the first sentence of paragraph (1), and in which additional funds have not been made available to pay in full the total of such maximum amounts under the last sentence of such paragraph, the State educational agency shall fix dates before which each local educational agency or intermediate educational unit shall report to the State educational agency on the amount of funds available to the local educational agency or intermediate educational unit, under the provisions of subsection (d), which it estimates that it will expend in accordance with the provisions of this part. The amounts so available to any local educational agency or intermediate educational unit, or any amount which would be available to any other local educational agency or intermediate educational unit if it were to submit a program meeting the requirements of this part, which the State educational agency determines will not be used for the period of its availability, shall be available for allocation to those local educational agencies or intermediate educational units, in the manner provided by this section, which the State educational agency determines will need and be able to use additional funds to carry out approved programs.

"ELIGIBILITY

20 USC 1412.

"SEC. 612. In order to qualify for assistance under this part in any fiscal year, a State shall demonstrate to the Commissioner that the following conditions are met:

"(1) The State has in effect a policy that assures all handicapped children the right to a free appropriate public education.

"(2) The State has developed a plan pursuant to section 613(b) in effect prior to the date of the enactment of the Education for All Handicapped Children Act of 1975 and submitted not later than August 21, 1975, which will be amended so as to comply with the provisions of this paragraph. Each such amended plan shall set forth in detail the policies and procedures which the State will undertake or has undertaken in order to assure that—

"(A) there is established (i) a goal of providing full educational opportunity to all handicapped children, (ii) a detailed timetable for accomplishing such a goal, and (iii) a description of the kind and number of facilities, personnel, and services necessary throughout the State to meet such a goal;

"(B) a free appropriate public education will be available for all handicapped children between the ages of three and eighteen within the State not later than September 1, 1978, and for all handicapped children between the ages of three and twenty-one within the State not later than September 1, 1980, except that, with respect to handicapped children aged three to five and aged eighteen to twenty-one, inclusive, the requirements of this clause shall not be applied in any State if the application of such require-

ments would be inconsistent with State law or practice, or the order of any court, respecting public education within such age groups in the State;

"(C) all children residing in the State who are handicapped, regardless of the severity of their handicap, and who are in need of special education and related services are identified, located, and evaluated, and that a practical method is developed and implemented to determine which children are currently receiving needed special education and related services and which children are not currently receiving needed special education and related services;

"(D) policies and procedures are established in accordance with detailed criteria prescribed under section 617(c); and

"(E) the amendment to the plan submitted by the State required by this section shall be available to parents, guardians, and other members of the general public at least thirty days prior to the date of submission of the amendment to the Commissioner.

"(3) The State has established priorities for providing a free appropriate public education to all handicapped children, which priorities shall meet the timetables set forth in clause (B) of paragraph (2) of this section, first with respect to handicapped children who are not receiving an education, and second with respect to handicapped children, within each disability, with the most severe handicaps who are receiving an inadequate education, and has made adequate progress in meeting the timetables set forth in clause (B) of paragraph (2) of this section.

"(4) Each local educational agency in the State will maintain records of the individualized education program for each handicapped child, and such program shall be established, reviewed, and revised as provided in section 614(a)(5).

"(5) The State has established (A) procedural safeguards as required by section 615, (B) procedures to assure that, to the maximum extent appropriate, handicapped children, including children in public or private institutions or other care facilities, are educated with children who are not handicapped, and that special classes, separate schooling, or other removal of handicapped children from the regular educational environment occurs only when the nature or severity of the handicap is such that education in regular classes with the use of supplementary aids and services cannot be achieved satisfactorily, and (C) procedures to assure that testing and evaluation materials and procedures utilized for the purposes of evaluation and placement of handicapped children will be selected and administered so as not to be racially or culturally discriminatory. Such materials or procedures shall be provided and administered in the child's native language or mode of communication, unless it clearly is not feasible to do so, and no single procedure shall be the sole criterion for determining an appropriate educational program for a child.

"(6) The State educational agency shall be responsible for assuring that the requirements of this part are carried out and that all educational programs for handicapped children within the State, including all such programs administered by any other State or local agency, will be under the general supervision of the persons responsible for educational programs for handicapped children in the State educational agency and shall meet education standards of the State educational agency. Administration.

Notice, hearings.

"(7) The State shall assure that (A) in carrying out the requirements of this section procedures are established for consultation with individuals involved in or concerned with the education of handicapped children, including handicapped individuals and parents or guardians of handicapped children, and (B) there are public hearings, adequate notice of such hearings, and an opportunity for comment available to the general public prior to adoption of the policies, programs, and procedures required pursuant to the provisions of this section and section 613.

"STATE PLANS

20 USC 1413.

"SEC. 613. (a) Any State meeting the eligibility requirements set forth in section 612 and desiring to participate in the program under this part shall submit to the Commissioner, through its State educational agency, a State plan at such time, in such manner, and containing or accompanied by such information, as he deems necessary. Each such plan shall—

"(1) set forth policies and procedures designed to assure that funds paid to the State under this part will be expended in accordance with the provisions of this part, with particular attention given to the provisions of sections 611(b), 611(c), 611(d), 612(2), and 612(3);

"(2) provide that programs and procedures will be established to assure that funds received by the State or any of its political subdivisions under any other Federal program, including section 121 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 241c-2), section 305(b)(8) of such Act (20 U.S.C. 844a (b)(8)) or its successor authority, and section 122(a)(4)(B) of the Vocational Education Act of 1963 (20 U.S.C. 1262(a)(4)(B)), under which there is specific authority for the provision of assistance for the education of handicapped children, will be utilized by the State, or any of its political subdivisions, only in a manner consistent with the goal of providing a free appropriate public education for all handicapped children, except that nothing in this clause shall be construed to limit the specific requirements of the laws governing such Federal programs;

20 USC 241c-1.

"(3) set forth, consistent with the purposes of this Act, a description of programs and procedures for (A) the development and implementation of a comprehensive system of personnel development which shall include the inservice training of general and special educational instructional and support personnel, detailed procedures to assure that all personnel necessary to carry out the purposes of this Act are appropriately and adequately prepared and trained, and effective procedures for acquiring and disseminating to teachers and administrators of programs for handicapped children significant information derived from educational research, demonstration, and similar projects, and (B) adopting, where appropriate, promising educational practices and materials development through such projects;

"(4) set forth policies and procedures to assure—

"(A) that, to the extent consistent with the number and location of handicapped children in the State who are enrolled in private elementary and secondary schools, provision is made for the participation of such children in the program assisted or carried out under this part by providing for such children special education and related services; and

"(B) that (i) handicapped children in private schools and facilities will be provided special education and related services (in conformance with an individualized educational program as required by this part) at no cost to their parents or guardian, if such children are placed in or referred to such schools or facilities by the State or appropriate local educational agency as the means of carrying out the requirements of this part or any other applicable law requiring the provision of special education and related services to all handicapped children within such State, and (ii) in all such instances the State educational agency shall determine whether such schools and facilities meet standards that apply to State and local educational agencies and that children so served have all the rights they would have if served by such agencies;

"(5) set forth policies and procedures which assure that the State shall seek to recover any funds made available under this part for services to any child who is determined to be erroneously classified as eligible to be counted under section 611(a) or section 611(d);

"(6) provide satisfactory assurance that the control of funds provided under this part, and title to property derived therefrom, shall be in a public agency for the uses and purposes provided in this part, and that a public agency will administer such funds and property;

"(7) provide for (A) making such reports in such form and containing such information as the Commissioner may require to carry out his functions under this part, and (B) keeping such records and affording such access thereto as the Commissioner may find necessary to assure the correctness and verification of such reports and proper disbursement of Federal funds under this part; Reports and records.

"(8) provide procedures to assure that final action with respect to any application submitted by a local educational agency or an intermediate educational unit shall not be taken without first affording the local educational agency or intermediate educational unit involved reasonable notice and opportunity for a hearing; Notice, hearings.

"(9) provide satisfactory assurance that Federal funds made available under this part (A) will not be commingled with State funds, and (B) will be so used as to supplement and increase the level of State and local funds expended for the education of handicapped children and in no case to supplant such State and local funds, except that, where the State provides clear and convincing evidence that all handicapped children have available to them a free appropriate public education, the Commissioner may waive in part the requirement of this clause if he concurs with the evidence provided by the State;

"(10) provide, consistent with procedures prescribed pursuant to section 617(a)(2), satisfactory assurance that such fiscal control and fund accounting procedures will be adopted as may be necessary to assure proper disbursement of, and accounting for, Federal funds paid under this part to the State, including any such funds paid by the State to local educational agencies and intermediate educational units;

Evaluation.

"(11) provide for procedures for evaluation at least annually of the effectiveness of programs in meeting the educational needs of handicapped children (including evaluation of individualized education programs), in accordance with such criteria that the Commissioner shall prescribe pursuant to section 617; and

State advisory panel.

"(12) provide that the State has an advisory panel, appointed by the Governor or any other official authorized under State law to make such appointments, composed of individuals involved in or concerned with the education of handicapped children, including handicapped individuals, teachers, parents or guardians of handicapped children, State and local education officials, and administrators of programs for handicapped children, which (A) advises the State educational agency of unmet needs within the State in the education of handicapped children, (B) comments publicly on any rules or regulations proposed for issuance by the State regarding the education of handicapped children and the procedures for distribution of funds under this part, and (C) assists the State in developing and reporting such data and evaluations as may assist the Commissioner in the performance of his responsibilities under section 618.

"(b) Whenever a State educational agency provides free appropriate public education for handicapped children, or provides direct services to such children, such State educational agency shall include, as part of the State plan required by subsection (a) of this section, such additional assurances not specified in such subsection (a) as are contained in section 614(a), except that funds available for the provision of such education or services may be expended without regard to the provisions relating to excess costs in section 614(a).

"(c) The Commissioner shall approve any State plan and any modification thereof which—

"(1) is submitted by a State eligible in accordance with section 612; and

"(2) meets the requirements of subsection (a) and subsection (b).

Notice, hearings.

The Commissioner shall disapprove any State plan which does not meet the requirements of the preceding sentence, but shall not finally disapprove a State plan except after reasonable notice and opportunity for a hearing to the State.

"APPLICATION

20 USC 1414.

"SEC. 614. (a) A local educational agency or an intermediate educational unit which desires to receive payments under section 611(d) for any fiscal year shall submit an application to the appropriate State educational agency. Such application shall—

"(1) provide satisfactory assurance that payments under this part will be used for excess costs directly attributable to programs which—

"(A) provide that all children residing within the jurisdiction of the local educational agency or the intermediate educational unit who are handicapped, regardless of the severity of their handicap, and are in need of special education and related services will be identified, located, and evaluated, and provide for the inclusion of a practical method of determining which children are currently receiving needed special education and related services and which children are not currently receiving such education and services;

"(B) establish policies and procedures in accordance with detailed criteria prescribed under section 617(c);

"(C) establish a goal of providing full educational opportunities to all handicapped children, including—

"(i) procedures for the implementation and use of the comprehensive system of personnel development established by the State educational agency under section 613(a)(3);

"(ii) the provision of, and the establishment of priorities for providing, a free appropriate public education to all handicapped children, first with respect to handicapped children who are not receiving an education, and second with respect to handicapped children, within each disability, with the most severe handicaps who are receiving an inadequate education;

"(iii) the participation and consultation of the parents or guardian of such children; and

"(iv) to the maximum extent practicable and consistent with the provisions of section 612(5)(B), the provision of special services to enable such children to participate in regular educational programs;

"(D) establish a detailed timetable for accomplishing the goal described in subclause (C); and

"(E) provide a description of the kind and number of facilities, personnel, and services necessary to meet the goal described in subclause (C);

"(2) provide satisfactory assurance that (A) the control of funds provided under this part, and title to property derived from such funds, shall be in a public agency for the uses and purposes provided in this part, and that a public agency will administer such funds and property, (B) Federal funds expended by local educational agencies and intermediate educational units for programs under this part (i) shall be used to pay only the excess costs directly attributable to the education of handicapped children, and (ii) shall be used to supplement and, to the extent practicable, increase the level of State and local funds expended for the education of handicapped children, and in no case to supplant such State and local funds, and (C) State and local funds will be used in the jurisdiction of the local educational agency or intermediate educational unit to provide services in program areas which, taken as a whole, are at least comparable to services being provided in areas of such jurisdiction which are not receiving funds under this part;

"(3)(A) provide for furnishing such information (which, in the case of reports relating to performance, is in accordance with specific performance criteria related to program objectives), as may be necessary to enable the State educational agency to perform its duties under this part, including information relating to the educational achievement of handicapped children participating in programs carried out under this part; and

Recordkeeping.

"(B) provide for keeping such records, and provide for affording such access to such records, as the State educational agency may find necessary to assure the correctness and verification of such information furnished under subclause (A);

Public information, availability.

"(4) provide for making the application and all pertinent documents related to such application available to parents, guardians, and other members of the general public, and provide that all evaluations and reports required under clause (3) shall be public information;

"(5) provide assurances that the local educational agency or intermediate educational unit will establish, or revise, whichever is appropriate, an individualized education program for each handicapped child at the beginning of each school year and will then review and, if appropriate revise, its provisions periodically, but not less than annually;

"(6) provide satisfactory assurance that policies and programs established and administered by the local educational agency or intermediate educational unit shall be consistent with the provisions of paragraph (1) through paragraph (7) of section 612 and section 613(a); and

"(7) provide satisfactory assurance that the local educational agency or intermediate educational unit will establish and maintain procedural safeguards in accordance with the provisions of sections 612(5)(B), 612(5)(C), and 615.

Application approval.

"(b)(1) A State educational agency shall approve any application submitted by a local educational agency or an intermediate educational unit under subsection (a) if the State educational agency determines that such application meets the requirements of subsection (a), except that no such application may be approved until the State plan submitted by such State educational agency under subsection (a) is approved by the Commissioner under section 613(c). A State educational agency shall disapprove any application submitted by a local educational agency or an intermediate educational unit under subsection (a) if the State educational agency determines that such application does not meet the requirements of subsection (a).

Notice, hearing.

"(2)(A) Whenever a State educational agency, after reasonable notice and opportunity for a hearing, finds that a local educational agency or an intermediate educational unit, in the administration of an application approved by the State educational agency under paragraph (1), has failed to comply with any requirement set forth in such application, the State educational agency, after giving appropriate notice to the local educational agency or the intermediate educational unit, shall—

"(i) make no further payments to such local educational agency or such intermediate educational unit under section 620 until the State educational agency is satisfied that there is no longer any failure to comply with the requirement involved; or

"(ii) take such finding into account in its review of any application made by such local educational agency or such intermediate educational unit under subsection (a).

"(B) The provisions of the last sentence of section 616(a) shall apply to any local educational agency or any intermediate educational unit receiving any notification from a State educational agency under this paragraph.

"(3) In carrying out its functions under paragraph (1), each State educational agency shall consider any decision made pursuant to a hearing held under section 615 which is adverse to the local educational agency or intermediate educational unit involved in such decision.

"(c)(1) A State educational agency may, for purposes of the consideration and approval of applications under this section, require local educational agencies to submit a consolidated application for payments if such State educational agency determines that any individual application submitted by any such local educational agency will be disapproved because such local educational agency is ineligible

to receive payments because of the application of section 611(c)(4)(A)(i) or such local educational agency would be unable to establish and maintain programs of sufficient size and scope to effectively meet the educational needs of handicapped children.

"(2)(A) In any case in which a consolidated application of local educational agencies is approved by a State educational agency under paragraph (1), the payments which such local educational agencies may receive shall be equal to the sum of payments to which each such local educational agency would be entitled under section 611(d) if an individual application of any such local educational agency had been approved.

Rules and regulations.

"(B) The State educational agency shall prescribe rules and regulations with respect to consolidated applications submitted under this subsection which are consistent with the provisions of paragraph (1) through paragraph (7) of section 612 and section 613(a) and which provide participating local educational agencies with joint responsibilities for implementing programs receiving payments under this part.

"(C) In any case in which an intermediate educational unit is required pursuant to State law to carry out the provisions of this part, the joint responsibilities given to local educational agencies under subparagraph (B) shall not apply to the administration and disbursement of any payments received by such intermediate educational unit. Such responsibilities shall be carried out exclusively by such intermediate educational unit.

"(d) Whenever a State educational agency determines that a local educational agency—

"(1) is unable or unwilling to establish and maintain programs of free appropriate public education which meet the requirements established in subsection (a);

"(2) is unable or unwilling to be consolidated with other local educational agencies in order to establish and maintain such programs; or

"(3) has one or more handicapped children who can best be served by a regional or State center designed to meet the needs of such children;

the State educational agency shall use the payments which would have been available to such local educational agency to provide special education and related services directly to handicapped children residing in the area served by such local educational agency. The State educational agency may provide such education and services in such manner, and at such locations (including regional or State centers), as it considers appropriate, except that the manner in which such education and services are provided shall be consistent with the requirements of this part.

Funds, reallocation.

"(e) Whenever a State educational agency determines that a local educational agency is adequately providing a free appropriate public education to all handicapped children residing in the area served by such agency with State and local funds otherwise available to such agency, the State educational agency may reallocate funds (or such portion of those funds as may not be required to provide such education and services) made available to such agency, pursuant to section 611(d), to such other local educational agencies within the State as are not adequately providing special education and related services to all handicapped children residing in the areas served by such other local educational agencies.

"(f) Notwithstanding the provisions of subsection (a)(2)(B)(ii), any local educational agency which is required to carry out any program for the education of handicapped children pursuant to a State law shall be entitled to receive payments under section 611(d) for use in carrying out such program, except that such payments may not be used to reduce the level of expenditures for such program made by such local educational agency from State or local funds below the level of such expenditures for the fiscal year prior to the fiscal year for which such local educational agency seeks such payments.

"PROCEDURAL SAFEGUARDS

20 USC 1415.

"SEC. 615. (a) Any State educational agency, any local educational agency, and any intermediate educational unit which receives assistance under this part shall establish and maintain procedures in accordance with subsection (b) through subsection (e) of this section to assure that handicapped children and their parents or guardians are guaranteed procedural safeguards with respect to the provision of free appropriate public education by such agencies and units.

"(b)(1) The procedures required by this section shall include, but shall not be limited to—

"(A) an opportunity for the parents or guardian of a handicapped child to examine all relevant records with respect to the identification, evaluation, and educational placement of the child, and the provision of a free appropriate public education to such child, and to obtain an independent educational evaluation of the child;

"(B) procedures to protect the rights of the child whenever the parents or guardian of the child are not known, unavailable, or the child is a ward of the State, including the assignment of an individual (who shall not be an employee of the State educational agency, local educational agency, or intermediate educational unit involved in the education or care of the child) to act as a surrogate for the parents or guardian;

"(C) written prior notice to the parents or guardian of the child whenever such agency or unit—

"(i) proposes to initiate or change, or

"(ii) refuses to initiate or change,

the identification, evaluation, or educational placement of the child or the provision of a free appropriate public education to the child;

"(D) procedures designed to assure that the notice required by clause (C) fully inform the parents or guardian, in the parents' or guardian's native language, unless it clearly is not feasible to do so, of all procedures available pursuant to this section; and

"(E) an opportunity to present complaints with respect to any matter relating to the identification, evaluation, or educational placement of the child, or the provision of a free appropriate public education to such child.

Hearing.

"(2) Whenever a complaint has been received under paragraph (1) of this subsection, the parents or guardian shall have an opportunity for an impartial due process hearing which shall be conducted by the State educational agency or by the local educational agency or intermediate educational unit, as determined by State law or by the State educational agency. No hearing conducted pursuant to the requirements of this paragraph shall be conducted by an employee of such agency or unit involved in the education or care of the child.

"(c) If the hearing required in paragraph (2) of subsection (b) of this section is conducted by a local educational agency or an intermediate educational unit, any party aggrieved by the findings and decision rendered in such a hearing may appeal to the State educational agency which shall conduct an impartial review of such hearing. The officer conducting such review shall make an independent decision upon completion of such review.

"(d) Any party to any hearing conducted pursuant to subsections (b) and (c) shall be accorded (1) the right to be accompanied and advised by counsel and by individuals with special knowledge or training with respect to the problems of handicapped children, (2) the right to present evidence and confront, cross-examine, and compel the attendance of witnesses, (3) the right to a written or electronic verbatim record of such hearing, and (4) the right to written findings of fact and decisions (which findings and decisions shall also be transmitted to the advisory panel established pursuant to section 613(a)(12)).

"(e)(1) A decision made in a hearing conducted pursuant to paragraph (2) of subsection (b) shall be final, except that any party involved in such hearing may appeal such decision under the provisions of subsection (c) and paragraph (2) of this subsection. A decision made under subsection (c) shall be final, except that any party may bring an action under paragraph (2) of this subsection.

"(2) Any party aggrieved by the findings and decision made under subsection (b) who does not have the right to an appeal under subsection (c), and any party aggrieved by the findings and decision under subsection (c), shall have the right to bring a civil action with respect to the complaint presented pursuant to this section, which action may be brought in any State court of competent jurisdiction or in a district court of the United States without regard to the amount in controversy. In any action brought under this paragraph the court shall receive the records of the administrative proceedings, shall hear additional evidence at the request of a party, and, basing its decision on the preponderance of the evidence, shall grant such relief as the court determines is appropriate. Civil action.

"(3) During the pendency of any proceedings conducted pursuant to this section, unless the State or local educational agency and the parents or guardian otherwise agree, the child shall remain in the then current educational placement of such child, or, if applying for initial admission to a public school, shall, with the consent of the parents or guardian, be placed in the public school program until all such proceedings have been completed.

"(4) The district courts of the United States shall have jurisdiction of actions brought under this subsection without regard to the amount in controversy. Jurisdiction.

"WITHHOLDING AND JUDICIAL REVIEW

"SEC. 616. (a) Whenever the Commissioner, after reasonable notice and opportunity for hearing to the State educational agency involved (and to any local educational agency or intermediate educational unit affected by any failure described in clause (2)), finds— Notice, hearing. 20 USC 1416.

"(1) that there has been a failure to comply substantially with any provision of section 612 or section 613, or

"(2) that in the administration of the State plan there is a failure to comply with any provision of this part or with any requirements set forth in the application of a local educational agency or intermediate educational unit approved by the State educational agency pursuant to the State plan,

the Commissioner (A) shall, after notifying the State educational agency, withhold any further payments to the State under this part, and (B) may, after notifying the State educational agency, withhold further payments to the State under the Federal programs specified in section 613(a)(2) within his jurisdiction, to the extent that funds under such programs are available for the provision of assistance for the education of handicapped children. If the Commissioner withholds further payments under clause (A) or clause (B) he may determine that such withholding will be limited to programs or projects under the State plan, or portions thereof, affected by the failure, or that the State educational agency shall not make further payments under this part to specified local educational agencies or intermediate educational units affected by the failure. Until the Commissioner is satisfied that there is no longer any failure to comply with the provisions of this part, as specified in clause (1) or clause (2), no further payments shall be made to the State under this part or under the Federal programs specified in section 613(a)(2) within his jurisdiction to the extent that funds under such programs are available for the provision of assistance for the education of handicapped children, or payments by the State educational agency under this part shall be limited to local educational agencies and intermediate educational units whose actions did not cause or were not involved in the failure, as the case may be. Any State educational agency, local educational agency, or intermediate educational unit in receipt of a notice pursuant to the first sentence of this subsection shall, by means of a public notice, take such measures as may be necessary to bring the pendency of an action pursuant to this subsection to the attention of the public within the jurisdiction of such agency or unit.

Petition for review.

"(b)(1) If any State is dissatisfied with the Commissioner's final action with respect to its State plan submitted under section 613, such State may, within sixty days after notice of such action, file with the United States court of appeals for the circuit in which such State is located a petition for review of that action. A copy of the petition shall be forthwith transmitted by the clerk of the court to the Commissioner. The Commissioner thereupon shall file in the court the record of the proceedings on which he based his action, as provided in section 2112 of title 28, United States Code.

"(2) The findings of fact by the Commissioner, if supported by substantial evidence, shall be conclusive; but the court, for good cause shown, may remand the case to the Commissioner to take further evidence, and the Commissioner may thereupon make new or modified findings of fact and may modify his previous action, and shall file in the court the record of the further proceedings. Such new or modified findings of fact shall likewise be conclusive if supported by substantial evidence.

"(3) Upon the filing of such petition, the court shall have jurisdiction to affirm the action of the Commissioner or to set it aside, in whole or in part. The judgment of the court shall be subject to review by the Supreme Court of the United States upon certiorari or certification as provided in section 1254 of title 28, United States Code.

"ADMINISTRATION

"SEC. 617. (a)(1) In carrying out his duties under this part, the Commissioner shall— 20 USC 1417.

"(A) cooperate with, and furnish all technical assistance necessary, directly or by grant or contract, to the States in matters relating to the education of handicapped children and the execution of the provisions of this part;

"(B) provide such short-term training programs and institutes as are necessary;

"(C) disseminate information, and otherwise promote the education of all handicapped children within the States; and

"(D) assure that each State shall, within one year after the date of the enactment of the Education for All Handicapped Children Act of 1975, provide certification of the actual number of handicapped children receiving special education and related services in such State.

"(2) As soon as practicable after the date of the enactment of the Education for All Handicapped Children Act of 1975, the Commissioner shall, by regulation, prescribe a uniform financial report to be utilized by State educational agencies in submitting State plans under this part in order to assure equity among the States. Regulations.

"(b) In carrying out the provisions of this part, the Commissioner (and the Secretary, in carrying out the provisions of subsection (c)) shall issue, not later than January 1, 1977, amend, and revoke such rules and regulations as may be necessary. No other less formal method of implementing such provisions is authorized.

"(c) The Secretary shall take appropriate action, in accordance with the provisions of section 438 of the General Education Provisions Act, to assure the protection of the confidentiality of any personally identifiable data, information, and records collected or maintained by the Commissioner and by State and local educational agencies pursuant to the provisions of this part. 20 USC 1232g.

"(d) The Commissioner is authorized to hire qualified personnel necessary to conduct data collection and evaluation activities required by subsections (b), (c) and (d) of section 618 and to carry out his duties under subsection (a)(1) of this subsection without regard to the provisions of title 5, United States Code, relating to appointments in the competitive service and without regard to chapter 51 and subchapter III of chapter 53 of such title relating to classification and general schedule pay rates except that no more than twenty such personnel shall be employed at any time. 5 USC 5101, 5331.

"EVALUATION

"SEC. 618. (a) The Commissioner shall measure and evaluate the impact of the program authorized under this part and the effectiveness of State efforts to assure the free appropriate public education of all handicapped children. 20 USC 1418.

"(b) The Commissioner shall conduct, directly or by grant or contract, such studies, investigations, and evaluations as are necessary to assure effective implementation of this part. In carrying out his responsibilities under this section, the Commissioner shall—

"(1) through the National Center for Education Statistics, provide to the appropriate committees of each House of the Congress and to the general public at least annually, and shall update at least annually, programmatic information concerning programs and projects assisted under this part and other Federal programs

supporting the education of handicapped children, and such information from State and local educational agencies and other appropriate sources necessary for the implementation of this part, including—

"(A) the number of handicapped children in each State, within each disability, who require special education and related services;

"(B) the number of handicapped children in each State, within each disability, receiving a free appropriate public education and the number of handicapped children who need and are not receiving a free appropriate public education in each such State;

"(C) the number of handicapped children in each State, within each disability, who are participating in regular educational programs, consistent with the requirements of section 612(5)(B) and section 614(a)(1)(C)(iv), and the number of handicapped children who have been placed in separate classes or separate school facilities, or who have been otherwise removed from the regular education environment;

"(D) the number of handicapped children who are enrolled in public or private institutions in each State and who are receiving a free appropriate public education, and the number of handicapped children who are in such institutions and who are not receiving a free appropriate public education;

"(E) the amount of Federal, State, and local expenditures in each State specifically available for special education and related services; and

"(F) the number of personnel, by disability category, employed in the education of handicapped children, and the estimated number of additional personnel needed to adequately carry out the policy established by this Act; and

"(2) provide for the evaluation of programs and projects assisted under this part through—

"(A) the development of effective methods and procedures for evaluation;

"(B) the testing and validation of such evaluation methods and procedures; and

"(C) conducting actual evaluation studies designed to test the effectiveness of such programs and projects.

"(c) In developing and furnishing information under subclause (E) of clause (1) of subsection (b), the Commissioner may base such information upon a sampling of data available from State agencies, including the State educational agencies, and local educational agencies.

Report, transmittal to congressional committees.

"(d)(1) Not later than one hundred twenty days after the close of each fiscal year, the Commissioner shall transmit to the appropriate committees of each House of the Congress a report on the progress being made toward the provision of free appropriate public education to all handicapped children, including a detailed description of all evaluation activities conducted under subsection (b).

Contents.

"(2) The Commissioner shall include in each such report—

"(A) an analysis and evaluation of the effectiveness of procedures undertaken by each State educational agency, local educational agency, and intermediate educational unit to assure that handicapped children receive special education and related services in the least restrictive environment commensurate with their needs and to improve programs of instruction for handicapped children in day or residential facilities;

"(B) any recommendations for change in the provisions of this part, or any other Federal law providing support for the education of handicapped children; and

"(C) an evaluation of the effectiveness of the procedures undertaken by each such agency or unit to prevent erroneous classification of children as eligible to be counted under section 611, including actions undertaken by the Commissioner to carry out provisions of this Act relating to such erroneous classification.

In order to carry out such analyses and evaluations, the Commissioner shall conduct a statistically valid survey for assessing the effectiveness of individualized educational programs.

"(e) There are authorized to be appropriated for each fiscal year such sums as may be necessary to carry out the provisions of this section. Appropriation authorization.

"INCENTIVE GRANTS

"SEC. 619. (a) The Commissioner shall make a grant to any State which— 20 USC 1419.

"(1) has met the eligibility requirements of section 612;

"(2) has a State plan approved under section 613; and

"(3) provides special education and related services to handicapped children aged three to five, inclusive, who are counted for the purposes of section 611(a)(1)(A).

The maximum amount of the grant for each fiscal year which a State may receive under this section shall be $300 for each such child in that State.

"(b) Each State which—

"(1) has met the eligibility requirements of section 612,

"(2) has a State plan approved under section 613, and

"(3) desires to receive a grant under this section,

shall make an application to the Commissioner at such time, in such manner, and containing or accompanied by such information, as the Commissioner may reasonably require.

"(c) The Commissioner shall pay to each State having an application approved under subsection (b) of this section the amount to which the State is entitled under this section, which amount shall be used for the purpose of providing the services specified in clause (3) of subsection (a) of this section.

"(d) If the sums appropriated for any fiscal year for making payments to States under this section are not sufficient to pay in full the maximum amounts which all States may receive under this part for such fiscal year, the maximum amounts which all States may receive under this part for such fiscal year shall be ratably reduced. In case additional funds become available for making such payments for any fiscal year during which the preceding sentence is applicable, such reduced amounts shall be increased on the same basis as they were reduced.

"(e) In addition to the sums necessary to pay the entitlements under section 611, there are authorized to be appropriated for each fiscal year such sums as may be necessary to carry out the provisions of this section. Appropriation authorization.

"PAYMENTS

"SEC. 620. (a) The Commissioner shall make payments to each State in amounts which the State educational agency of such State is eligible to receive under this part. Any State educational agency receiving payments under this subsection shall distribute payments 20 USC 1420.

to the local educational agencies and intermediate educational units of such State in amounts which such agencies and units are eligible to receive under this part after the State educational agency has approved applications of such agencies or units for payments in accordance with section 614(b).

"(b) Payments under this part may be made in advance or by way of reimbursement and in such installments as the Commissioner may determine necessary.".

Regulations. 20 USC 1411 note.

(b)(1) The Commissioner of Education shall, no later than one year after the effective date of this subsection, prescribe—

(A) regulations which establish specific criteria for determining whether a particular disorder or condition may be considered a specific learning disability for purposes of designating children with specific learning disabilities;

(B) regulations which establish and describe diagnostic procedures which shall be used in determining whether a particular child has a disorder or condition which places such child in the category of children with specific learning disabilities; and

(C) regulations which establish monitoring procedures which will be used to determine if State educational agencies, local educational agencies, and intermediate educational units are complying with the criteria established under clause (A) and clause (B).

Proposed regulation, submittal to congressional committees. Publication in Federal Register.

(2) The Commissioner shall submit any proposed regulation written under paragraph (1) to the Committee on Education and Labor of the House of Representatives and the Committee on Labor and Public Welfare of the Senate, for review and comment by each such committee, at least fifteen days before such regulation is published in the Federal Register.

(3) If the Commissioner determines, as a result of the promulgation of regulations under paragraph (1), that changes are necessary in the definition of the term "children with specific learning disabilities", as such term is defined by section 602(15) of the Act, he shall submit recommendations for legislation with respect to such changes to each House of the Congress.

20 USC 1401.

Definitions.

(4) For purposes of this subsection:

(A) The term "children with specific learning disabilities" means those children who have a disorder in one or more of the basic psychological processes involved in understanding or in using language, spoken or written, which disorder may manifest itself in imperfect ability to listen, think, speak, read, write, spell, or do mathematical calculations. Such disorders include such conditions as perceptual handicaps, brain injury, minimal brain dysfunction, dyslexia, and developmental aphasia. Such term does not include children who have learning problems which are primarily the result of visual, hearing, or motor handicaps, of mental retardation, of emotional disturbance, or environmental, cultural, or economic disadvantage.

(B) The term "Commissioner" means the Commissioner of Education.

20 USC 1411.

(c) Effective on the date upon which final regulations prescribed by the Commissioner of Education under subsection (b) take effect, the amendment made by subsection (a) is amended, in subparagraph (A) of section 611(a)(5) (as such subparagraph would take effect on the effective date of subsection (a)), by adding "and" at the end of clause (i), by striking out clause (ii), and by redesignating clause (iii) as clause (ii).

AMENDMENTS WITH RESPECT TO EMPLOYMENT OF HANDICAPPED INDIVIDUALS, REMOVAL OF ARCHITECTURAL BARRIERS, AND MEDIA CENTERS

SEC. 6. (a) Part A of the Act is amended by inserting after section 605 thereof the following new sections:

"EMPLOYMENT OF HANDICAPPED INDIVIDUALS

"SEC. 606. The Secretary shall assure that each recipient of assistance under this Act shall make positive efforts to employ and advance in employment qualified handicapped individuals in programs assisted under this Act. 20 USC 1405.

"GRANTS FOR THE REMOVAL OF ARCHITECTURAL BARRIERS

"SEC. 607. (a) Upon application by any State or local educational agency or intermediate educational unit the Commissioner is authorized to make grants to pay part or all of the cost of altering existing buildings and equipment in the same manner and to the same extent as authorized by the Act approved August 12, 1968 (Public Law 90-480), relating to architectural barriers. 20 USC 1406.

"(b) For the purpose of carrying out the provisions of this section, there are authorized to be appropriated such sums as may be necessary.". Appropriation authorization.

(b) Section 653 of the Act (20 U.S.C. 1453) is amended to read as follows:

"CENTERS ON EDUCATIONAL MEDIA AND MATERIALS FOR THE HANDICAPPED

"SEC. 653. (a) The Secretary is authorized to enter into agreements with institutions of higher education, State and local educational agencies, or other appropriate nonprofit agencies, for the establishment and operation of centers on educational media and materials for the handicapped, which together will provide a comprehensive program of activities to facilitate the use of new educational technology in education programs for handicapped persons, including designing, developing, and adapting instructional materials, and such other activities consistent with the purposes of this part as the Secretary may prescribe in such agreements. Any such agreement shall—

"(1) provide that Federal funds paid to a center will be used solely for such purposes as are set forth in the agreement; and

"(2) authorize the center involved, subject to prior approval by the Secretary, to contract with public and private agencies and organizations for demonstration projects.

"(b) In considering proposals to enter into agreements under this section, the Secretary shall give preference to institutions and agencies—

"(1) which have demonstrated the capabilities necessary for the development and evaluation of educational media for the handicapped; and

"(2) which can serve the educational technology needs of the Model High School for the Deaf (established under Public Law 89-694). 80 Stat. 1027.

"(c) The Secretary shall make an annual report on activities carried out under this section which shall be transmitted to the Congress.". Report to Congress.

CONGRESSIONAL DISAPPROVAL OF REGULATIONS

SEC. 7. (a)(1) Section 431(d)(1) of the General Education Provisions Act (20 U.S.C. 1232(d)(1)) is amended by inserting "final" immediately before "standard" each place it appears therein.

(2) The third sentence of section 431(d)(2) of such Act (20 U.S.C. 1232(d)(2)) is amended by striking out "proposed" and inserting in lieu thereof "final".

(3) The fourth and last sentences of section 431(d)(2) of such Act (20 U.S.C. 1232(d)(2)) each are amended by inserting "final" immediately before "standard".

(b) Section 431(d)(1) of the General Education Provisions Act (20 U.S.C. 1232(d)(1)) is amended by adding at the end thereof the following new sentence: "Failure of the Congress to adopt such a concurrent resolution with respect to any such final standard, rule, regulation, or requirement prescribed under any such Act, shall not represent, with respect to such final standard, rule, regulation, or requirement, an approval or finding of consistency with the Act from which it derives its authority for any purpose, nor shall such failure to adopt a concurrent resolution be construed as evidence of an approval or finding of consistency necessary to establish a prima facie case, or an inference or presumption, in any judicial proceeding.".

EFFECTIVE DATES

20 USC 1411 note.

SEC. 8. (a) Notwithstanding any other provision of law, the amendments made by sections 2(a), 2(b), and 2(c) shall take effect on July 1, 1975.

(b) The amendments made by sections 2(d), 2(e), 3, 6, and 7 shall take effect on the date of the enactment of this Act.

(c) The amendments made by sections 4 and 5(a) shall take effect on October 1, 1977, except that the provisions of clauses (A), (C), (D), and (E) of paragraph (2) of section 612 of the Act, as amended by this Act, section 617(a)(1)(D) of the Act, as amended by this Act, section 617(b) of the Act, as amended by this Act, and section 618(a) of the Act, as amended by this Act, shall take effect on the date of the enactment of this Act.

(d) The provisions of section 5(b) shall take effect on the date of the enactment of this Act.

Approved November 29, 1975.

LEGISLATIVE HISTORY:

HOUSE REPORTS: No. 94-332 accompanying H.R. 7217 (Comm. on Education and Labor) and No. 94-664 (Comm. of Conference).

SENATE REPORTS: No. 94-168 (Comm. on Labor and Public Welfare) and No. 94-455 (Comm. of Conference).

CONGRESSIONAL RECORD, Vol. 121 (1975):

June 18, considered and passed Senate.

July 21, 29, considered and passed House, amended, in lieu of H.R. 7217.

Nov. 18, House agreed to conference report.

Nov. 19, Senate agreed to conference report.

WEEKLY COMPILATION OF PRESIDENTIAL DOCUMENTS, Vol. 11, No. 49:

Dec. 2, Presidential statement.

Public Law 94-143
94th Congress

An Act

To authorize the Secretary of the Treasury to provide seasonal financing for the city of New York.

Dec. 9, 1975
[H.R. 10481]

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

New York City Seasonal Financing Act of 1975.

SHORT TITLE

SECTION 1. This Act may be cited as the "New York City Seasonal Financing Act of 1975". 31 USC 1501 note.

FINDINGS AND DECLARATIONS

SEC. 2. The Congress makes the following findings and declarations: 31 USC 1501.

(1) It is necessary for the city of New York to obtain seasonal financing from time to time because the city's revenues and expenditures, even when in balance on an annual basis, are not received and disbursed at equivalent rates throughout the year.

(2) At the present time the city is or may be unable to obtain such seasonal financing from its customary sources.

(3) It is necessary to assure such seasonal financing, in order that the city of New York may maintain essential governmental services.

DEFINITIONS

SEC. 3. As used in this Act: 31 USC 1502.

(a) "City" and "State" mean the city and State of New York, respectively.

(b) "Financing agent" means any agency duly authorized by State law to act on behalf or in the interest of the city with respect to the city's financial affairs.

(c) "Secretary" means the Secretary of the Treasury.

LOANS

SEC. 4. (a) Upon written request of the city or a financing agent, the Secretary may make loans to the city or such financing agent subject to the provisions of this Act, but in the case of any loan to a financing agent, the city and such agent shall be jointly and severally liable thereon. 31 USC 1503.

(b) Each such loan shall mature not later than the last day of the city's fiscal year in which it was made, and shall bear interest at an annual rate 1 per centum per annum greater than the current average market yield on outstanding marketable obligations of the United States with remaining periods to maturity comparable to the maturities of such loan, as determined by the Secretary at the time of the loan.

SECURITY FOR LOANS

SEC. 5. In connection with any loan under this Act, the Secretary may require the city and any financing agent and, where he deems necessary, the State, to provide such security as he deems appropriate. 31 USC 1504.

The Secretary may take such steps as he deems necessary to realize upon any collateral in which the United States has a security interest pursuant to this section to enforce any claim the United States may have against the city or any financing agent pursuant to this Act. Notwithstanding any other provision of law, Acts making appropriations may provide for the withholding of any payments from the United States to the city, either directly or through the State, which may be or may become due pursuant to any law and offset the amount of such withheld payments against any claim the Secretary may have against the city or any financing agent pursuant to this Act. With respect to debts incurred pursuant to this Act, for the purposes of section 3466 of the Revised Statutes (31 U.S.C. 191) the term "person" includes the city or any financing agent.

"Person."

LIMITATIONS AND CRITERIA

31 USC 1505.

SEC. 6. (a) A loan may be made under this Act only if the Secretary determines that there is a reasonable prospect of repayment of the loan in accordance with its terms and conditions. In making the loan, the Secretary may require such terms and conditions as he may deem appropriate to insure repayment. The Secretary is authorized to agree to any modification, amendment, or waiver of any such term or condition as he deems desirable to protect the interests of the United States.

(b) At no time shall the amount of loans outstanding under this Act exceed in the aggregate $2,300,000,000.

(c) No loan shall be provided under this Act unless (1) the city and all financing agents shall have repaid according to their terms all prior loans under this Act which have matured, and (2) the city and all financing agents shall be in compliance with the terms of any such outstanding loans.

REMEDIES

31 USC 1506.

SEC. 7. The remedies of the Secretary prescribed in this Act shall be cumulative and not in limitation of or substitution for any other remedies available to the Secretary or the United States.

FUNDING

New York City Seasonal Financing Fund.

Establishment.

31 USC 1507.

Appropriation authorization.

SEC. 8. (a) There is hereby established in the Treasury a New York City Seasonal Financing Fund to be administered by the Secretary. The fund shall be used for the purpose of making loans pursuant to this Act. There is authorized to be appropriated to such fund the sum of $2,300,000,000. All funds received by the Secretary in the payment of principal of any loan made under this Act shall be paid into the fund. All income from loans and investments made from the fund shall be covered into the Treasury as miscellaneous receipts. Moneys in the fund not needed for current operations may be invested in direct obligations of, or obligations that are fully guaranteed as to principal and interest by, the United States or any agency thereof. After all loans made pursuant to this Act have been repaid, the balance of the fund shall be returned to the general fund of the Treasury.

(b) The Secretary is authorized to sell, assign, or otherwise transfer from the fund any note or other evidence of any loan made pursuant to this Act to the Federal Financing Bank and, in addition to its other powers, such Bank is authorized to purchase, receive, or otherwise acquire the same.

(c) There are authorized to be appropriated such sums as may be necessary to pay the expenses of administration of this Act. Appropriation authorization.

INSPECTION OF DOCUMENTS

SEC. 9. At any time a request for a loan is pending or a loan is outstanding under this Act, the Secretary is authorized to inspect and copy all accounts, books, records, memorandums, correspondence, and other documents of the city or any financing agent relating to its financial affairs. 31 USC 1508.

AUDITS

SEC. 10. (a) No loan may be made under this Act for the benefit of any State or city unless the General Accounting Office is authorized to make such audits as may be deemed appropriate by either the Secretary or the General Accounting Office of all accounts, books, records, and transactions of the State, the political subdivision, if any, involved, and any agency or instrumentality of such State or political subdivision. The General Accounting Office shall report the results of any such audit to the Secretary and to the Congress. 31 USC 1509. Report to Secretary of the Treasury and Congress.

TERMINATION

SEC. 11. The authority of the Secretary to make any loan under this Act terminates on June 30, 1978. Such termination does not affect the carrying out of any transaction entered into pursuant to this Act prior to that date, or the taking of any action necessary to preserve or protect the interests of the United States arising out of any loan under this Act. 31 USC 1510.

Approved December 9, 1975.

LEGISLATIVE HISTORY:

HOUSE REPORTS: No. 94-632 Pt. 1 (Comm. on Banking, Currency and Housing), Pt. 2 (Comm. on Ways and Means).

SENATE REPORT No. 94-443 accompanying S. 2615 (Comm. on Banking, Housing and Urban Affairs).

CONGRESSIONAL RECORD, Vol. 121 (1975):

Dec. 2, considered and passed House.

Dec. 3-5, considered and passed Senate.

Public Law 94–144
94th Congress

An Act

Dec. 9, 1975
[H.R. 6692]

To authorize appropriations for the period July 1, 1976, through September 30, 1976.

Fiscal year transition. Appropriation authorization.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That there are authorized to be appropriated for the period July 1, 1976, through September 30, 1976, such sums as may be necessary to conduct programs and activities for which funding was authorized on June 30, 1976: *Provided*, That this Act shall not affect any other law authorizing appropriations for the period July 1, 1976, through September 30, 1976.

Approved December 9, 1975.

LEGISLATIVE HISTORY:

HOUSE REPORT No. 94–282 (Comm. on Government Operations).
SENATE REPORT No. 94–467 (Comm. on Government Operations).
CONGRESSIONAL RECORD, Vol. 121 (1975):
June 16, considered and passed House.
Dec. 1, considered and passed Senate.

Public Law 94–145
94th Congress

An Act

To amend the Sherman Antitrust Act to provide lower prices for consumers.

Dec. 12, 1975
[H.R. 6971]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Consumer Goods Pricing Act of 1975".

Consumer Goods Pricing Act of 1975.
15 USC 1 note.

SEC. 2. Section 1 of the Act entitled "An Act to protect trade and commerce against unlawful restraints and monopolies", approved July 2, 1890 (15 U.S.C. 1), is amended by striking out the colon preceding the first proviso in the first sentence and all that follows down through the end of such sentence and inserting in lieu thereof a period.

Repeal.

SEC. 3. Paragraphs (2) through (5) of section 5(a) of the Federal Trade Commission Act (15 U.S.C. 45(a)) are repealed and paragraph (6) of such section 5(a) is redesignated as paragraph (2).

Effective date.
15 USC 1 note.

SEC. 4. The amendments made by sections 2 and 3 of this Act shall take effect upon the expiration of the ninety-day period which begins on the date of enactment of this Act.

Approved December 12, 1975.

LEGISLATIVE HISTORY:

HOUSE REPORT No. 94–341 (Comm. on the Judiciary).
SENATE REPORT No. 94–466 (Comm. on the Judiciary).
CONGRESSIONAL RECORD, Vol. 121 (1975):
July 21, considered and passed House.
Dec. 2, considered and passed Senate.
WEEKLY COMPILATION OF PRESIDENTIAL DOCUMENTS, Vol. 11, No. 50:
Dec. 12, Presidential statement.

Public Law 94-146
94th Congress

An Act

Dec. 12, 1975
[S. 267]

To designate the Flat Tops Wilderness, Routt and White River National Forests, in the State of Colorado.

Flat Tops Wilderness, Colo. Designation.
16 USC 1132 note.
16 USC 1132.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, in accordance with subsection 3(b) of the Wilderness Act (78 Stat. 891), the area classified as the Flat Tops Primitive Area, with the proposed additions thereto and deletions therefrom, as generally depicted on a map entitled "Flat Tops Wilderness—Proposed", dated May 1975, which is on file and available for public inspection in the office of the Chief, Forest Service, Department of Agriculture, is hereby designated as the "Flat Tops Wilderness" within and as part of the Routt and White River National Forest, comprising an area of approximately two hundred and thirty-five thousand two hundred and thirty acres.

Map and description, filing with congressional committees.
16 USC 1132 note.

SEC. 2. As soon as practicable after this Act takes effect, the Secretary of Agriculture shall file a map and a legal description of the Flat Tops Wilderness with the Interior and Insular Affairs Committee of the United States Senate and the House of Representatives, and such map and description shall have the same force and effect as if included in this Act: *Provided, however*, That correction of clerical and typographical errors in such map and description may be made.

Administration.
16 USC 1132 note.
16 USC 1131 note.

SEC. 3. The Flat Tops Wilderness shall be administered by the Secretary of Agriculture in accordance with the provisions of the Wilderness Act governing areas designated by that Act as wilderness areas, except that any reference in such provisions to the effective date of the Wilderness Act shall be deemed to be a reference to the effective date of this Act.

16 USC 1132 note.

SEC. 4. The previous classification of the Flat Tops Primitive Area is hereby abolished.

Approved December 12, 1975.

LEGISLATIVE HISTORY:

HOUSE REPORT No. 94-685 (Comm. on Interior and Insular Affairs).
SENATE REPORT No. 94-171 (Comm. on Interior and Insular Affairs).
CONGRESSIONAL RECORD, Vol. 121 (1975):
June 5, considered and passed Senate.
Dec. 1, considered and passed House.
WEEKLY COMPILATION OF PRESIDENTIAL DOCUMENTS, Vol. 11, No. 51:
Dec. 13, Presidential statement.

Public Law 94-147
94th Congress

An Act

To amend section 218 of title 23, United States Code.

Dec. 12, 1975
[S. 1245]

Alaska Highway.
Reconstruction,
right-of-way.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That paragraph (1) of subsection (a) of section 218 of title 23, United States Code is amended to read as follows:

"(1) will provide, without participation of funds authorized under this title, all necessary right-of-way for the reconstruction of such highways;".

Approved December 12, 1975.

LEGISLATIVE HISTORY:

HOUSE REPORT No. 94-657 (Comm. on Public Works and Transportation).
SENATE REPORT No. 94-363 (Comm. on Public Works).
CONGRESSIONAL RECORD, Vol. 121 (1975):
Sept. 4, considered and passed Senate.
Dec. 1, considered and passed House.

Public Law 94–148
94th Congress

An Act

Dec. 12, 1975
[H.R. 10027]

To authorize the Secretary of Agriculture to enter into cooperative agreements which benefit certain Forest Service programs and to advance or reimburse funds to cooperators for work performed, and for other purposes.

Forest Service programs. Cooperative agreements. 16 USC 565a-1.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That to facilitate the administration of the programs and activities of the Forest Service, the Secretary is authorized to negotiate and enter into cooperative agreements with public or private agencies, organizations, institutions, or persons to construct, operate, and maintain cooperative pollution abatement equipment and facilities, including sanitary landfills, water systems, and sewer systems; to engage in cooperative manpower and job training and development programs; to develop and publish cooperative environmental education and forest history materials; and to perform forestry protection, including fire protection, timber stand improvement, debris removal, and thinning of trees. The Secretary may enter into aforesaid agreements when he determines that the public interest will be benefited and that there exists a mutual interest other than monetary considerations. In such cooperative arrangements, the Secretary is authorized to advance or reimburse funds to cooperators from any Forest Service appropriation available for similar kinds of work or by furnishing or sharing materials, supplies, facilities, or equipment without regard to the provisions of the Act of January 31, 1823 (Rev. Stat. 3648, as amended; 31 U.S.C. 529), relating to the advance of public moneys.

16 USC 565a-2.

SEC. 2. In any agreement authorized by section 1, cooperators and their employees may perform cooperative work under supervision of the Forest Service in emergencies or otherwise as mutually agreed to, but shall not be deemed to be Federal employees other than for the purposes of chapter 171 of title 28, United States Code, and chapter 81 of title 5, United States Code.

28 USC 2671 *et seq.*
5 USC 8101 *et seq.*

SEC. 3. Nothing in this Act shall be construed as limiting or modifying the authority of the Secretary to enter into cooperative agreements otherwise authorized by law.

16 USC 565a-3.

Approved December 12, 1975.

LEGISLATIVE HISTORY:

HOUSE REPORT No. 94–611 (Comm. on Agriculture).
SENATE REPORT No. 94–476 (Comm. on Agriculture and Forestry).
CONGRESSIONAL RECORD, Vol. 121 (1975):
Nov. 4, considered and passed House.
Dec. 1, considered and passed Senate.

Public Law 94-149
94th Congress

An Act

To make technical amendments to the Federal Rules of Evidence, the Federal Rules of Criminal Procedure, and to related provisions of titles 18 and 28 of the United States Code.

Dec. 12, 1975
[H.R. 9915]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Federal Rules of Evidence (Public Law 93-595; 88 Stat. 1926 et seq.) are amended as follows:

Federal Rules of Evidence and Criminal Procedure, amendments. 28 USC app.

(1) In the table of contents, in the item relating to rule 106, by striking out "on" and inserting "or" in lieu thereof.

(2) In the table of contents, in the item relating to rule 301, by inserting "in" immediately after "general".

(3) In the table of contents, in the item relating to rule 405(a), by inserting "or opinion" immediately after "Reputation" but before the period.

(4) In the table of contents, by amending the item relating to rule 410 to read as follows:

"Rule 410. Inadmissibility of pleas, offers of pleas, and related statements.".

(5) In the table of contents in the item relating to rule 501, by striking out "General Rule." and inserting "General rule." in lieu thereof.

(6) In the table of contents, in the item relating to rule 608(a), by striking out "Reputation" and inserting "Opinion and reputation" in lieu thereof.

(7) In the table of contents, in the item relating to rule 901(b)(8), by striking out "compilations" and inserting "compilation" in lieu thereof.

(8) In the table of contents, in the item relating to rule 1101(c), by striking out "Rules" and inserting "Rule" in lieu thereof.

(9) By amending rule 410 to read as follows:

"Rule 410. Inadmissibility of Pleas, Offers of Pleas, and Related Statements

"Except as otherwise provided in this rule, evidence of a plea of guilty, later withdrawn, or a plea of nolo contendere, or of an offer to plead guilty or nolo contendere to the crime charged or any other crime, or of statements made in connection with, and relevant to, any of the foregoing pleas or offers, is not admissible in any civil or criminal proceeding against the person who made the plea or offer. However, evidence of a statement made in connection with, and relevant to, a plea of guilty, later withdrawn, a plea of nolo contendere, or an offer to plead guilty or nolo contendere to the crime charged or any other crime, is admissible in a criminal proceeding for perjury or false statement if the statement was made by the defendant under oath, on the record, and in the presence of counsel.".

(10) In the final sentence of rule 606(b), by striking out "what" and inserting "which" in lieu thereof.

(11) In the catchline of rule 803(23) by inserting a comma immediately after "family".

(12) In the catchline of rule 804, by striking out the colon and inserting a semicolon in lieu thereof.

(13) In the final sentence of rule 804(b)(3), by striking out "admissable" and inserting "admissible" in lieu thereof.

(14) In rule 1101(e), by striking out "admirality" and inserting "admiralty" in lieu thereof.

SEC. 2. Section 2076 (relating to rules of evidence) of title 28 of the United States Code is amended by inserting a period at the end thereof.

SEC. 3. Section 3491 (relating to authentication of foreign documents) of title 18 of the United States Code is amended by striking out "the requirements of section 1732 of title 28" and inserting "the authentication requirements of the Federal Rules of Evidence" in lieu thereof.

SEC. 4. Section 3492(a) (relating to authentication of foreign documents) of title 18 of the United States Code is amended by striking out "the requirements of section 1732 of title 28" and inserting "the authentication requirements of the Federal Rules of Evidence" in lieu thereof.

18 USC app. 18 USC 3771 note.

SEC. 5. The Federal Rules of Criminal Procedure (as amended by the Federal Rules of Criminal Procedure Amendments Act of 1975) are further amended by striking out paragraph (4) of rule 16(a) and paragraph (3) of rule 16(b); by changing the reference to rule 4(b)(1) in rule 9(b)(1) to rule 4(c)(1); and by changing the reference to rule 4(c)(1), (2), and (3) in rule 9(c)(1) to rule 4(d)(1), (2), and (3).

Approved December 12, 1975.

LEGISLATIVE HISTORY:

HOUSE REPORT No. 94-599 (Comm. on the Judiciary).
CONGRESSIONAL RECORD, Vol. 121 (1975):
Nov. 3, considered and passed House.
Nov. 13, considered and passed Senate, amended.
Dec. 1, House agreed to Senate amendment.

Public Law 94-150
94th Congress

An Act

To authorize the employment of certain foreign citizens on the vessel *Seafreeze Atlantic*, Official Number 517242.

Dec. 15, 1975
[H.R. 5197]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Congress finds that the purposes and objectives of the United States Fishing Fleet Improvement Act, as amended (46 U.S.C. 1401–1413) are not being fulfilled in the case of the large stern trawler *Seafreeze Atlantic*, Official Number 517242 (hereafter referred to in this Act as the "*Seafreeze Atlantic*"), a vessel of advanced design built under the provisions of that Act, because of the unavailability of skilled United States citizens or skilled aliens legally domiciled in the United States who can be employed as fish processors and fishermen aboard such vessel.

Seafreeze Atlantic.
Certain foreign citizens, employment.
46 USC 1402 note.

SEC. 2. (a) Notwithstanding any requirement of item (5), section 2, of the United States Fishing Fleet Improvement Act, of any other provision of law, or of any provision of any contract to which the United States is a party, during the four-year period beginning on the date of the enactment of this Act, the owner of the *Seafreeze Atlantic* may employ foreign citizens as crew members of such vessel for service as fish processors and fishermen if at all times during such four-year period—

Conditions.
46 USC 1402 note.
46 USC 1402.

(1) the master and all of the officers of the vessel are citizens of the United States;

(2) citizens of the United States and aliens legally domiciled in the United States comprise not less than 40 percent of the crew;

(3) any foreign citizen so employed is only used as a fisherman or fish processor aboard the vessel; and

(4) the owner of the vessel undertakes to hire and train United States citizens or aliens legally domiciled in the United States as fish processors or fishermen aboard the vessel in order to assure a future supply of available United States citizens or aliens legally domiciled in the United States who will be qualified as fish processors or fishermen aboard advanced design trawlers.

(b) If at any time during such four-year period the Secretary of Commerce finds that the owner of the *Seafreeze Atlantic* is not in compliance with one or more of the conditions set forth in paragraphs (1) through (4) of subsection (a), the Secretary may prohibit the owner from employing foreign citizens as crew members of such vessel for such period of time as the Secretary deems appropriate.

SEC. 3. Section 2(a) of this Act shall cease to apply at the close of the four-year period referred to in such section; except that if the owner of the *Seafreeze Atlantic* provides evidence satisfactory to the Secretary of Commerce that—

46 USC 1402 note.

(1) qualified fish processors or fishermen who are citizens of the United States or aliens legally domiciled in the United States will not be available in sufficient number for employment on the vessel after the close of such period;

(2) he has instituted and will continue a program to train United States citizens or legally domiciled aliens as fish processors or fishermen; and

(3) he is making satisfactory progress, as determined by the Secretary, in employing only United States citizens or legally domiciled aliens on the vessel;

the Secretary of Commerce may permit the *Seafreeze Atlantic* to be operated with fishermen or fish processors who are foreign citizens for such additional periods and under such conditions as he deems appropriate; except that the conditions set forth in paragraphs (1), (2), and (3) of section 2(a) shall apply during any such additional period.

46 USC 1402 note.

SEC. 4. The provisions of this Act shall not be construed as an amendment of the United States Fishing Fleet Improvement Act, except to the extent applicable to *Seafreeze Atlantic*, and any contract with the United States entered into before the date of the enactment of this Act with respect to the construction and operation of such vessel shall continue in full force and effect except that the Secretary of Commerce may amend any such contract in such a manner as he deems necessary in order to implement the provisions of this Act. The Secretary may impose such conditions as may be necessary to assure that the provisions of this Act will be complied with by the owner of the *Seafreeze Atlantic* and may undertake to amend appropriately any documents executed in connection with the construction and operation of such vessel, but if the owner does not consent to any such amendment, the Act shall cease to apply.

46 USC 1401 note.

Approved December 15, 1975.

LEGISLATIVE HISTORY:

HOUSE REPORT No. 94–292 (Comm. on Merchant Marine and Fisheries).
SENATE REPORT No. 94–474 (Comm. on Commerce).
CONGRESSIONAL RECORD, Vol. 121 (1975):
June 16, considered and passed House.
Dec. 1, considered and passed Senate.

Public Law 94–151
94th Congress

An Act

To amend the Act entitled "An Act granting a charter to the General Federation of Women's Clubs".

Dec. 15, 1975
[S. 240]

General Federation of Women's Clubs.
48 Stat. 925.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 2 of the Act entitled "An Act granting a charter to the General Federation of Women's Clubs", approved March 3, 1901, as amended by an Act approved April 28, 1904, as amended by an Act approved June 7, 1934, be, and the same are hereby, amended to read as follows:

"SEC. 2. That the said corporation is authorized to acquire, by devise, bequest, or otherwise, hold, purchase, and convey such real and personal estate as shall or may be required for the purpose of its incorporation with authority in said corporation, should it be by it deemed necessary so to do, to mortgage or otherwise encumber the real estate which it may hereafter own or acquire and may give therefor such evidences of indebtedness as such corporation may decide upon.".

SEC. 2. Section 1 of Public Law 88–504 (78 Stat. 635; 36 U.S.C. 1101) is amended by adding a new item 49, as follows:

"(49) General Federation of Women's Clubs.".

Approved December 15, 1975.

LEGISLATIVE HISTORY:

HOUSE REPORT No. 94–555 (Comm. on the Judiciary).
SENATE REPORT No. 94–105 (Comm. on the Judiciary).
CONGRESSIONAL RECORD, Vol. 121 (1975):
May 8, considered and passed Senate.
Nov. 3, considered and passed House, amended.
Dec. 8, Senate concurred in House amendment.

Public Law 94-152
94th Congress

An Act

Dec. 16, 1975
[S. 1537]

To amend the Defense Production Act of 1950, as amended.

Defense Production Act Amendments of 1975.
50 USC app. 2061 note

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Defense Production Act Amendments of 1975".

50 USC app. 2166.

SEC. 2. The first sentence of section 717(a) of the Defense Production Act of 1950 is amended by striking out "November 30, 1975" and inserting in lieu thereof "September 30, 1977: *Provided*, That all authority hereby or hereafter extended under title III of this Act shall be effective for any fiscal year only to such extent or in such amounts as are provided in advance in appropriation Acts".

50 USC app. 2158.

SEC. 3. Section 708 of the Defense Production Act of 1950 is amended to read as follows:

"SEC. 708. (a) Except as specifically provided in subsection (j) of this section and subsection (j) of section 708A, no provision of this Act shall be deemed to convey to any person any immunity from civil or criminal liability, or to create defenses to actions, under the antitrust laws.

Post, p. 815.

"Antitrust laws."

"(b) As used in this section and section 708A the term 'antitrust laws' means—

"(1) the Act entitled 'An Act to protect trade and commerce against unlawful restraints and monopolies', approved July 2, 1890 (15 U.S.C. 1 et seq.);

"(2) the Act entitled 'An Act to supplement existing laws against unlawful restraints and monopolies and for other purposes', approved October 15, 1914 (15 U.S.C. 12 et seq.);

"(3) the Federal Trade Commission Act (15 U.S.C. 41 et seq.);

"(4) sections 73 and 74 of the Act entitled 'An Act to reduce taxation, to provide revenue for the Government, and for other purposes', approved August 27, 1894 (15 U.S.C. 8 and 9);

"(5) the Act of June 19, 1936, chapter 592 (15 U.S.C. 13, 13a, 13b, and 21a); and

"(6) the Act entitled 'An Act to promote export trade and for other purposes', approved April 10, 1918 (15 U.S.C. 61–65).

"(c)(1) Except as otherwise provided in section 708A(o), upon finding that conditions exist which may pose a direct threat to the national defense or its preparedness programs, the President may consult with representatives of industry, business, financing, agriculture, labor, and other interests in order to provide for the making by such persons, with the approval of the President, of voluntary agreements to help provide for the defense of the United States through the development of preparedness programs and the expansion of productive capacity and supply beyond levels needed to meet essential civilian demand in the United States.

Delegation of authority.

"(2) The authority granted to the President in paragraph (1) and subsection (d) may be delegated by him (A) to individuals who are appointed by and with the advice and consent of the Senate, or are holding offices to which they have been appointed by and with the advice and consent of the Senate, (B) upon the condition that such individuals consult with the Attorney General and with the Federal Trade Commission not less than ten days before consulting with any

persons under paragraph (1), and (C) upon the condition that such individuals obtain the prior approval of the Attorney General, after consultation by the Attorney General with the Federal Trade Commission, to consult under paragraph (1). For the purpose of carrying out the objectives of title I of this Act, the authority granted in paragraph (1) of this subsection shall not be delegated to more than one individual.

Advisory committees. Membership.

"(d)(1) To achieve the objectives of subsection (c)(1) of this section, the President or any individual designated pursuant to subsection (c)(2) may provide for the establishment of such advisory committees as he determines are necessary. In addition to the requirements specified in this section, any such advisory committee shall be subject to the provisions of the Federal Advisory Committee Act, whether or not such Act or any of its provisions expire or terminate during the term of this Act or of such committees, and in all cases such advisory committees shall be chaired by a Federal employee (other than an individual employed pursuant to section 3109 of title 5, United States Code) and shall include representatives of the public, and the meetings of such committees shall be open to the public. The Attorney General and the Federal Trade Commission shall have adequate advance notice of any meeting and may have an official representative attend and participate in any such meeting.

Meetings, verbatim transcript.

"(2) A full and complete verbatim transcript shall be kept of such advisory committee meetings, and shall be taken and deposited, together with any agreement resulting therefrom, with the Attorney General and the Federal Trade Commission. Such transcript and agreement shall be made available for public inspection and copying, subject to the provisions of section 552(b)(1) and (b)(3) of title 5, United States Code.

Rules.

"(e)(1) The individual or individuals referred to in subsection (c)(2) shall, after approval of the Attorney General, after consultation by the Attorney General with the Chairman of the Federal Trade Commission, promulgate rules, in accordance with section 553 of title 5, United States Code, incorporating standards and procedures by which voluntary agreements may be developed and carried out.

"(2) In addition to the requirements of section 553 of title 5, United States Code—

Publication in Federal Register.

"(A) general notice of the proposed rulemaking referred to in paragraph (1) shall be published in the Federal Register, and such notice shall include—

"(i) a statement of the time, place, and nature of the proposed rulemaking proceedings;

"(ii) reference to the legal authority under which the rule is being proposed; and

"(iii) either the terms of substance of the proposed rule or a description of the subjects and issues involved;

"(B) the required publication of a rule shall be made not less than thirty days before its effective date; and

"(C) the individual or individuals referred to in paragraph (1) shall give interested persons the right to petition for the issuance, amendment, or repeal of a rule.

"(3) The rules promulgated pursuant to this subsection incorporating standards and procedures by which voluntary agreements may be developed shall provide, among other things, that—

"(A) such agreements shall be developed at meetings which include—

"(i) the Attorney General or his delegate,

"(ii) the Chairman of the Federal Trade Commission or his delegate, and

"(iii) an individual designated by the President in subsection (c)(2) or his delegate,

and which are chaired by the individual referred to in clause (iii);

Publication in Federal Register.

"(B) at least seven days prior to any such meeting, notice of the time, place, and nature of the meeting shall be published in the Federal Register;

"(C) interested persons may submit written data and views concerning the proposed voluntary agreement, with or without opportunity for oral presentation;

"(D) interested persons may attend any such meeting unless the individual designated by the President in subsection (c)(2) finds that the matter or matters to be discussed at such meeting falls within the purview of matters described in subsection (b)(1) or (b)(3) of section 552 of title 5, United States Code;

Meeting, verbatim transcript.

"(E) a full and verbatim transcript shall be made of any such meeting and shall be transmitted by the chairman of the meeting to the Attorney General and to the Chairman of the Federal Trade Commission;

"(F) any voluntary agreement resulting from the meetings shall be transmitted by the chairman of the meetings to the Attorney General and to the Chairman of the Federal Trade Commission; and

Public inspection.

"(G) any transcript referred to in subparagraph (E) and any voluntary agreement referred to in subparagraph (F) shall be available for public inspection and copying, subject to subsections (b)(1) and (b)(3) of section 552 of title 5, United States Code.

Voluntary agreement.

"(f)(1) A voluntary agreement may not become effective unless and until—

"(A) the individual referred to in subsection (c)(2) who is to administer the agreement approves it and certifies, in writing, that the agreement is necessary to carry out the purposes of subsection (c)(1); and

"(B) the Attorney General (after consultation with the Chairman of the Federal Trade Commission) finds, in writing, that such purpose may not reasonably be achieved through a voluntary agreement having less anticompetitive effects or without any voluntary agreement.

"(2) Each voluntary agreement which becomes effective under paragraph (1) shall expire two years after the date it becomes effective (and at two-year intervals thereafter, as the case may be), unless (immediately prior to such expiration date) the individual referred to in subsection (c)(2) who administers the agreement and the Attorney General (after consultation with the Chairman of the Federal Trade Commission) make the certification or finding, as the case may be, described in paragraph (1) with respect to such voluntary agreement, in which case, the voluntary agreement may be extended for an additional period of two years.

"(g) The Attorney General and the Chairman of the Federal Trade Commission shall monitor the carrying out of any voluntary agreement to assure—

"(1) that the agreement is carrying out the purposes of subsection (c)(1);

"(2) that the agreement is being carried out under rules promulgated pursuant to subsection (e);

"(3) that the participants are acting in accordance with the terms of the agreement; and

"(4) the protection and fostering of competition and the prevention of anticompetitive practices and effects.

"(h) The rules promulgated under subsection (e) with respect to the carrying out of voluntary agreements shall provide—

"(1) for the maintenance, by participants in any voluntary agreement, of documents, minutes of meetings, transcripts, records, and other data related to the carrying out of any voluntary agreement;

"(2) that participants in any voluntary agreement agree, in writing, to make available to the individual designated by the President in subsection (c)(2) to administer the voluntary agreement, the Attorney General and the Chairman of the Federal Trade Commission for inspection and copying at reasonable times and upon reasonable notice any item maintained pursuant to paragraph (1);

"(3) that any item made available to the individual designated by the President in subsection (c)(2) to administer the voluntary agreement, the Attorney General, or the Chairman of the Federal Trade Commission pursuant to paragraph (2) shall be available from such individual, the Attorney General, or the Chairman of the Federal Trade Commission, as the case may be, for public inspection and copying, subject to subsections (b)(1) and (b)(3) of section 552 of title 5, United States Code;

"(4) that the individual designated by the President in subsection (c)(2) to administer the voluntary agreement, the Attorney General, and the Chairman of the Federal Trade Commission, or their delegates, may attend meetings to carry out any voluntary agreement;

"(5) that a Federal employee (other than an individual employed pursuant to section 3109 of title 5 of the United States Code) shall attend meetings to carry out any voluntary agreement;

"(6) that participants in any voluntary agreement provide the individual designated by the President in subsection (c)(2) to administer the voluntary agreement, the Attorney General, and the Chairman of the Federal Trade Commission with adequate prior notice of the time, place, and nature of any meeting to be held to carry out the voluntary agreement;

"(7) for the attendance by interested persons of any meeting held to carry out any voluntary agreement, unless the individual designated by the President in subsection (c)(2) to administer the voluntary agreement finds that the matter or matters to be discussed at such meeting falls within the purview of matters described in subsection (b)(1) or (b)(3) of section 552 of title 5, United States Code;

Publication in Federal Register.

"(8) that the individual designated by the President in subsection (c)(2) to administer the voluntary agreement has published in the Federal Register prior notification of the time, place, and nature of any meeting held to carry out any voluntary agreement, unless he finds that the matter or matters to be discussed at such meeting falls within the purview of matters described in subsection (b)(1) or (b)(3) of section 552 of title 5, United States Code, in which case, notification of the time, place, and nature of such meeting shall be published in the Federal Register within ten days of the date of such meeting;

"(9) that—

"(A) the Attorney General (after consultation with the Chairman of the Federal Trade Commission and the individual designated by the President in subsection (c)(2) to administer a voluntary agreement), or

"(B) the individual designated by the President in subsection (c)(2) to administer a voluntary agreement (after consultation with the Attorney General and the Chairman of the Federal Trade Commission),

may terminate or modify, in writing, the voluntary agreement at any time, and that effective, immediately upon such termination or modification, any antitrust immunity conferred upon the participants in the voluntary agreement by subsection (j) shall not apply to any act or omission occurring after the time of such termination or modification; and

"(10) that participants in any voluntary agreement be reasonably representative of the appropriate industry or segment of such industry.

Rules.

"(i) The Attorney General and the Chairman of the Federal Trade Commission shall each promulgate such rules as each deems necessary or appropriate to carry out his responsibility under this section.

"(j) There shall be available as a defense for any person to any civil or criminal action brought for violation of the antitrust laws (or any similar law of any State) with respect to any act or omission to act to develop or carry out any voluntary agreement under this section that—

"(1) such act or omission to act was taken in good faith by that person—

"(A) in the course of developing a voluntary agreement under this section, or

"(B) to carry out a voluntary agreement under this section; and

"(2) such person fully complied with this section and the rules promulgated hereunder, and acted in accordance with the terms of the voluntary agreement.

Surveys and studies.

"(k) The Attorney General and the Federal Trade Commission shall each make surveys for the purpose of determining any factors which may tend to eliminate competition, create or strengthen monopolies, injure small business, or otherwise promote undue concentration of economic power in the course of the administration of this section. Such surveys shall include studies of the voluntary agreements authorized by this section. The Attorney General shall (after consultation with the Federal Trade Commission) submit to the Congress and the President at least once every year reports setting forth the results of such studies of voluntary agreements.

Reports to President and Congress.

"(l) The individual or individuals designated by the President in subsection (c)(2) shall submit to the Congress and the President at least once every year reports describing each voluntary agreement in effect and its contribution to achievement of the purpose of subsection (c)(1).

Jurisdiction.

"(m) On complaint, the United States District Court for the District of Columbia shall have jurisdiction to enjoin any exemption or suspension pursuant to subsections (d)(2), (e)(3) (D) and (G), and (h) (3), (7), and (8), and to order the production of transcripts, agreements, items, or other records maintained pursuant to this section by the Attorney General, the Federal Trade Commission or any individual designated under subsection (c)(2), where the court determines that such transcripts, agreements, items, or other records have been improperly withheld from the complainant. In such a case the court

shall determine the matter de novo, and may examine the contents of such transcripts, agreements, items, or other records in camera to determine whether such transcripts, agreements, items, or other records or any parts thereof shall be withheld under any of the exemption or suspension provisions referred to in this subsection, and the burden is on the Attorney General, the Federal Trade Commission, or such designated individual, as the case may be, to sustain its action.

"SEC. 708A. (a) Except as specifically provided in subsection (j) of this section and section 708(j) of this Act, no provision of this Act shall be deemed to convey to any person any immunity from civil or criminal liability, or to create defenses to actions, under the antitrust laws. 50 USC app. 2158a.

"(b) As used in this section— Definitions.

"(1) The term 'international energy supply emergency' means any period (A) beginning on any date which the President determines allocation of petroleum products to nations participating in the international agreement is required by chapters III and IV of such program, and (B) ending on a date on which he determines such allocation is no longer required. Such a period may not exceed ninety days, but the President may establish one or more additional periods by making the determination under clause (A) of the preceding sentence. Any determination respecting the beginning or end of any such period shall be published in the Federal Register. Publication in Federal Register.

"(2) The term 'international agreement' means the Agreement on an International Energy Program, signed by the United States on November 18, 1974.

"(3) The term 'Administrator' means the Administrator of the Federal Energy Administration.

"(4) The term 'petroleum products' means—

"(A) crude oil,

"(B) natural gas liquids and other liquids produced in association with crude oil or natural gas,

"(C) refined petroleum products, including but not limited to gasoline, kerosene, distillates, residual fuel oil, refined lubricating oil, and liquefied petroleum gases; and

"(D) blending agents and additives used in conjunction with crude oil and refined petroleum products.

"(c) The requirements of this section shall be the sole procedures applicable to the development or implementation of voluntary agreements or plans of action to accomplish the objectives of the international agreement with respect to international allocation of petroleum products and the information system provided in such agreement, and to the availability of immunity from the antitrust laws respecting the development or implementation of such voluntary agreements or plans of action.

"(d)(1) To achieve the purposes of the international agreement with respect to international allocation of petroleum products and the information system provided in such agreement, the Administrator may provide for the establishment of such advisory committees as he determines are necessary. In addition to the requirements specified in this section, such advisory committees shall be subject to the provisions of the Federal Advisory Committee Act and section 17 of the Federal Energy Administration Act of 1974, whether or not such Acts or any provisions thereof expire or terminate during the term of this Act or of such committees, and, in all cases, such advisory committees shall be chaired by a Federal employee (other than an individual employed pursuant to section 3109 of title 5, United States Code) Advisory committees. 5 USC app. I. 15 USC 776.

and shall include representatives of the public, and the meetings of such committees shall be open to the public. The Attorney General and the Federal Trade Commission shall have adequate advance notice of any meeting and may have an official representative attend and participate in any such meeting.

Meetings, verbatim transcript.

"(2) A full and complete verbatim transcript shall be kept of such advisory committee meetings, and shall be taken and deposited, together with any agreement resulting therefrom, with the Attorney General and the Federal Trade Commission. Such transcript and agreement shall be made available for public inspection and copying, subject to the provisions of sections 552 (b) (1) and (b) (3) of title 5, United States Code.

15 USC 776.

"(3) For the purposes of this section, the provisions of subsection (a) of section 17 of the Federal Energy Administration Act of 1974 shall apply to any board, task force, commission, committee, or similar group, not composed entirely of full-time Federal employees (other than individuals employed pursuant to section 3109 of title 5, United States Code) established or utilized to advise the United States Government with respect to the development or implementation of any agreement or plan of action under the international agreement.

"(e) The Administrator, subject to the approval of the Attorney General, after both of them have consulted with the Federal Trade Commission and the Secretary of State, shall promulgate, by rule, standards and procedures by which persons engaged in the business of producing, refining, marketing, or distributing petroleum products may develop and implement voluntary agreements and plans of action which are required to implement the provisions of the international agreement which relate to international allocation of petroleum products and the information system provided in such agreement.

"(f) The standards and procedures under subsection (e) shall be promulgated pursuant to section 553 of title 5, United States Code. They shall provide, among other things, that—

Meetings.

"(1) (A) Meetings held to develop or implement a voluntary agreement or plan of action under this section shall permit attendance by interested persons, including all interested segments of the petroleum industry, consumers, committees of Congress, and the public, shall be preceded by timely and adequate notice with identification of the agenda of such meeting to the Attorney General, the Federal Trade Commission, committees of Congress, and (except during an international energy supply emergency) to the public, and shall be initiated and chaired by a Federal employee other than an individual employed pursuant to section 3109 of title 5, United States Code; except that (i) meetings of bodies created by the International Energy Agency established by the international agreement need not be open to interested persons and need not be initiated and chaired by a Federal employee, and (ii) the Administrator, in consultation with the Secretary of State and the Attorney General, may determine that a meeting held to implement or carry out an agreement or plan of action shall not be public and that attendance may be limited, subject to reasonable representation of affected segments of the petroleum industry (as determined by the Administrator, after consultation with the Attorney General) if he finds that a wider disclosure would be detrimental to the foreign policy interests of the United States.

"(B) No meetings may be held to develop or implement a voluntary agreement or plan of action under this section, unless a Federal employee other than an individual employed pursuant

to section 3109 of title 5, United States Code, is present; except that during an international energy supply emergency, a meeting to implement such an agreement or plan of action may be held outside the presence of such an employee (and need not be initiated or chaired by such an employee) if prior consent is granted by the Administrator and the Attorney General. The Administrator and the Attorney General shall each make a written record of the granting of any such prior consent.

"(2) Interested persons permitted to attend such a meeting shall be afforded an opportunity to present in writing and orally, data, views, and arguments at such meetings. Public comment.

"(3) A verbatim transcript or, if keeping a verbatim transcript is not practicable, full and complete notes or minutes shall be kept of any meeting held or communication made to develop or implement a voluntary agreement or plan of action under this section, between or among persons who are parties to such a voluntary agreement, or with respect to meetings held or communications made to develop a voluntary agreement; except that, during any international energy supply emergency, in lieu of minutes or a transcript, a log may be kept containing a notation of the parties to, and subject matter of, any such communication (other than in the course of such a meeting). Such minutes, notes, transcript, or log shall be deposited, together with any agreement resulting therefrom, with the Administrator, and shall be available to the Attorney General and the Federal Trade Commission. Such minutes, notes, transcripts, logs, and agreements shall be available for public inspection and copying, except as otherwise provided in section 552 (b) (1) and (b) (3) of title 5, United States Code, or pursuant to a determination by the Administrator, in consultation with the Secretary of State and the Attorney General, that such disclosure would be detrimental to the foreign policy interests of the United States.

No provision of this section may be exercised so as to prevent committees of Congress from attending meetings to which this subsection applies, or from having access to any transcripts or minutes of such meetings, or logs of communication.

"(g) Subject to the prior approval of the Attorney General and the Federal Trade Commission, the Administrator may suspend the application of—

"(1) sections 10 and 11 of the Federal Advisory Committee Act. 5 USC app. I.

"(2) subsections (b) and (c) of section 17 of the Federal Energy Administration Act of 1974, 15 USC 776.

"(3) the requirement under subsection (d) (1) of this section that meetings be open to the public; and

"(4) the second sentence of subsection (d) (2) of this section;

if the Administrator determines in each instance that such suspension is essential to the implementation of the international agreement as it relates to the international allocation of petroleum products or the information system provided in such agreement and if the Secretary of State determines that the application of such provisions would be detrimental to the foreign policy interests of the United States. Such determinations by the Administrator and the Secretary of State shall be in writing, shall set forth, to the extent possible consistent with the need to protect the security of classified national defense and foreign policy information, a detailed explanation of reasons justifying the granting of such suspension, and shall be published in the Federal Register at a reasonable time prior to the effective date of any such suspension. Publication in Federal Register.

"(h) (1) The Attorney General and the Federal Trade Commission shall participate from the beginning in any meeting to develop or implement voluntary agreements authorized under this section and, when practicable, in any meeting to implement plans of action authorized under this section. Each may propose any alternative which would avoid or overcome, to the greatest extent practicable, possible anticompetitive effects while achieving substantially the purposes of this section. A voluntary agreement or plan of action under this section may not be implemented unless approved by the Attorney General, after consultation with the Federal Trade Commission. Prior to the expiration of the period determined under paragraph (2), the Federal Trade Commission shall transmit to the Attorney General its views as to whether such an agreement should be approved, and shall publish such views in the Federal Register. The Attorney General, in consultation with the Federal Trade Commission, the Secretary of State, and the Administrator, shall have the right to review, amend, modify, disapprove, or revoke, on his own motion or upon the request of the Federal Trade Commission or any interested person, any voluntary agreement or plan of action at any time, and, if revoked, thereby withdraw prospectively the immunity which may be conferred by subsection (j) of this section.

Publication in Federal Register.

"(2) Any voluntary agreement entered into pursuant to this section shall be submitted in writing to the Attorney General and the Federal Trade Commission twenty days before being implemented (where it shall be made available for public inspection and copying subject to the provisions of subsection (g) of this section); except that during an international energy supply emergency, the Administrator, subject to approval of the Attorney General, may reduce such twenty-day period. Any action taken pursuant to such voluntary agreement or plan of action shall be reported to the Attorney General and the Federal Trade Commission pursuant to such regulations as shall be prescribed under subsections (i) (3) and (i) (4).

"(i) (1) The Attorney General and the Federal Trade Commission shall monitor the development and implementation of voluntary agreements and plans of action authorized under this section to assure the protection and fostering of competition and to prevent anticompetitive practices and effect.

Regulations.

"(2) In addition to any requirements specified under subsections (e) and (f) of this section and in order to carry out the purposes of this section, the Attorney General, in consultation with the Federal Trade Commission and the Administrator, shall promulgate regulations concerning the maintenance of necessary and appropriate records related to the development and implementation of voluntary agreements and plans of action pursuant to this section.

Recordkeeping.

"(3) Persons developing and implementing voluntary agreements or plans of action pursuant to this section shall maintain those records required by such regulations. Both the Attorney General and the Federal Trade Commission shall have access to and the right to copy such records at reasonable times and places and upon reasonable notice.

Rules and regulations.

"(4) The Attorney General and the Federal Trade Commission may each prescribe pursuant to section 553 of title 5, United States Code, such rules and regulations as may be necessary or appropriate to carry out their respective responsibilities under this section. They may both utilize for such purposes and for purposes of enforcement any and all powers conferred upon the Federal Trade Commission or the Department of Justice, or both, by any other provision of law, including the antitrust laws, the Antitrust Procedures and Penalties Act, or the Antitrust Civil Process Act; and wherever any such pro-

15 USC 16 note.
15 USC 1311 note.

vision of law refers to 'the purposes of this Act' or like terms, the reference shall be understood to be this section.

"(j) (1) There shall be available as a defense for any person to any civil or criminal action brought for violation of the antitrust laws (or any similar law of any State) with respect to any act or omission to act to develop or carry out any voluntary agreement under this section that—

"(A) such act or omission to act was taken in good faith by that person—

"(i) in the course of developing a voluntary agreement under this section, or

"(ii) to carry out a voluntary agreement under this section; and

"(B) such person fully complied with this section and the rules promulgated hereunder, and acted in accordance with the terms of the voluntary agreement.

"(2) In any action in any Federal or State court for breach of contract there shall be available as a defense that the alleged breach of contract was caused solely by action taken during an international energy supply emergency in accordance with a voluntary agreement authorized and approved under the provisions of this section.

"(k) No provision of this section shall be construed as granting immunity for, nor as limiting or in any way affecting any remedy or penalty which may result from any legal action or proceeding arising from, any acts or practices which occurred (1) prior to the date of enactment of this section, (2) outside the scope and purpose or not in compliance with the terms and conditions of this section, or (3) subsequent to the expiration or repeal of this section or Act.

"(l) (1) The Administrator, after consultation with the Secretary of State, shall report annually to the President and the Congress on the performance under voluntary agreements or plans of action to accomplish the objectives of the international agreement with respect to international allocation of petroleum products and the information system provided in such agreement. Report to President and Congress.

"(2) The Attorney General and the Federal Trade Commission shall each submit to the Congress and to the President, at least once every six months, reports on the impact on competition and on small business of actions authorized by this section. Reports to President and Congress.

"(m) The authorities contained in this section with respect to the executive agreement, commonly known as the Agreement on an International Energy Program dated November 18, 1974, and referred to in this section as the international energy agreement, shall not be construed in any way as advice and consent, ratification, endorsement, or any other form of congressional approval of the specific terms of such executive agreement or any related annex, protocol, amendment, modification, or other agreement which has been or may in the future be entered into.

"(n) Any action or agreement undertaken or entered into pursuant to this section shall be deemed to be undertaken or entered into in the United States.

"(o) If S. 622, Ninety-fourth Congress (the Energy Policy and Conservation Act) is enacted, then (effective on the effective date of the provisions of S. 622 which relate to international voluntary agreements to carry out the International Energy Program) this section and section 708 shall not be applicable to (1) any voluntary agreement or plan of action developed or implemented to carry out obligations of the United States under the international agreement, or (2) any voluntary agreement or plan of action which relates to petroleum *Post*, p. 871. 42 USC 6201 note.

products and which is developed, in whole or in part, to carry out the purposes of a treaty or executive agreement to which the United States is a party or to implement a program of international cooperation between the United States and one or more foreign countries.".

50 USC app. 2158 note.

SEC. 4. (a) Any voluntary agreement—

50 USC app. 2158.

(1) entered into under section 708 of the Defense Production Act of 1950 prior to the effective date of this Act, and

(2) in effect immediately prior to such date

may continue in effect (except as otherwise provided in section 708A(o) of the Defense Production Act of 1950, as amended by this Act) and shall be carried out in accordance with such section 708, as amended by this Act, and such section 708A.

Ante, p. 815.

50 USC app. 2061.

(b) No provision of the Defense Production Act of 1950, as amended by this Act, shall be construed as granting immunity for, nor as limiting or in any way affecting any remedy or penalty which may result from any legal action or proceeding arising from, any acts or practices which occurred (1) prior to the date of enactment of this Act, (2) outside the scope and purpose or not in compliance with the terms and conditions of the Defense Production Act of 1950, or (3) subsequent to the expiration or repeal of the Defense Production Act of 1950.

Ante, pp. 810, 815.

(c) Effective on the date of enactment of this Act, the immunity conferred by section 708 or 708A of the Defense Production Act of 1950, as amended by this Act, shall not apply to any action taken or authorized to be taken by or under the Emergency Petroleum Allocation Act of 1973.

15 USC 751 note.

50 USC app. 2160.

SEC. 5. The second sentence of section 710(e) of the Defense Production Act of 1950 is amended to read as follows: "Members of this executive reserve who are not full-time Government employees may be allowed transportation and per diem in lieu of subsistence, in accordance with title 5 of the United States Code (with respect to individuals serving without pay, while away from their homes or regular places of business), for the purpose of participating in the executive reserve training program.".

50 USC app. 2162.

SEC. 6. Section 712(c) of the Defense Production Act of 1950 is amended by striking out the following: "The cost of stenographic services to report such hearing shall not be in excess of 40 cents per hundred words.".

50 USC app. 2168.

SEC. 7. The last sentence of subsection (g) of section 717 of the Defense Production Act of 1950 is amended to read as follows: "In promulgating such standards and major rules and regulations for the implementation of such standards, the Board shall take into account, and shall report to the Congress in the transmittal required by section 719(h)(3) of this Act, the probable costs of implementation, including inflationary effects, if any, compared to the probable benefits, including advantages and improvements in the pricing, administration, and settlement of contracts.".

50 USC app. 2168.

50 USC app. 2169.

SEC. 8. Section 720 of the Defense Production Act of 1950 is amended—

(1) in subsection (h) thereof by striking out "March 31, 1976" and inserting in lieu thereof "December 31, 1976" and by striking out "October 1, 1976" and inserting in lieu thereof "March 31, 1977";

(2) in the last sentence of subsection (i)(2) by striking out "not to exceed $75,000 to remain available until October 1, 1976" and inserting in lieu thereof "not to exceed $150,000 to remain available until March 31, 1977";

(3) in subsection (l) thereof by striking out "not to exceed $500,000 to remain available until October 1, 1976" and inserting in lieu thereof "not to exceed $1,484,000 to remain available until March 31, 1977"; and

(4) in subsection (j) thereof by inserting the following new paragraph: Contract authority.

"(3) The Commission is authorized to contract with public or private agencies, institutions, corporations, and other organizations.".

SEC. 9. This Act and the amendments made by it shall take effect on the one hundred and twentieth day beginning after the date of its enactment, except that the amendment made by section 2 shall take effect upon the date of enactment of this Act. Effective date. 50 USC app. 2158 note.

Approved December 16, 1975.

LEGISLATIVE HISTORY:

HOUSE REPORTS: No. 94-603 accompanying H.R. 10031 (Comm. on Banking, Currency and Housing) and No. 94-673 (Comm. of Conference).

SENATE REPORTS: No. 94-353 (Comm. on Banking, Housing and Urban Affairs) and No. 94-460 (Comm. of Conference).

CONGRESSIONAL RECORD, Vol. 121 (1975):

Sept. 15, considered and passed Senate.

Nov. 14, considered and passed House, amended, in lieu of H.R. 10031.

Nov. 18, Senate agreed to conference report.

Dec. 3, House agreed to conference report.

Public Law 94–153
94th Congress

An Act

Dec. 16, 1975
[H.R. 11027]

To amend the effective date of the Defense Production Act Amendments of 1975.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 9 of the Defense Production Act Amendments of 1975 is amended by striking out "date of enactment of this Act" and inserting in lieu thereof "close of November 30, 1975".

Ante, p. 821.
50 USC app. 2158 note.

Approved December 16, 1975.

LEGISLATIVE HISTORY:

CONGRESSIONAL RECORD, Vol. 121 (1975):
Dec. 10, considered and passed House.
Dec. 11, considered and passed Senate.

Public Law 94–154
94th Congress

An Act

Relating to certain Forest Service timber sale contracts involving road construction.

Dec. 16, 1975
[S. 364]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 4 of the Act of October 13, 1964 (78 Stat. 1089), is amended by adding at the end thereof a new sentence as follows: "The Secretary is authorized, under such rules and regulations as he shall prescribe, to permit the transfer of unused effective purchaser credit for road construction earned after the date of enactment of this sentence, from one timber sale to a purchaser to another timber sale to the same purchaser within the same National Forest.".

Forest Service road construction.
16 USC 535.

Approved December 16, 1975.

LEGISLATIVE HISTORY:

HOUSE REPORT No. 94–656 (Comm. on Public Works and Transportation).
SENATE REPORT No. 94–426 (Comm. on Public Works).
CONGRESSIONAL RECORD, Vol. 121 (1975):
Oct. 20, considered and passed Senate.
Dec. 1, considered and passed House, amended.
Dec. 4, Senate concurred in House amendment.

Public Law 94–155
94th Congress

An Act

Dec. 16, 1975
[H.R. 568]

To grant an alien child adopted by an unmarried United States citizen the same immigrant status as an alien child adopted by a United States citizen and his spouse.

Alien children, adoption.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 101(b)(1)(F) of the Immigration and Nationality Act (8 U.S.C. 1101(b)(1)(F)) is amended to read as follows:

8 USC 1151.

"(F) a child, under the age of fourteen at the time a petition is filed in his behalf to accord a classification as an immediate relative under section 201(b), who is an orphan because of the death or disappearance of, abandonment or desertion by, or separation or loss from, both parents, or for whom the sole or surviving parent is incapable of providing the proper care and has in writing irrevocably released the child for emigration and adoption; who has been adopted abroad by a United States citizen and spouse jointly, or by an unmarried United States citizen at least twenty-five years of age, who personally saw and observed the child prior to or during the adoption proceedings; or who is coming to the United States for adoption by a United States citizen and spouse jointly, or by an unmarried United States citizen at least twenty-five years of age, who have or has complied with the preadoption requirements, if any, of the child's proposed residence: *Provided*, That the Attorney General is satisfied that proper care will be furnished the child if admitted to the United States: *Provided further*, That no natural parent or prior adoptive parent of any such child shall thereafter, by virtue of such parentage, be accorded any right, privilege, or status under this Act.".

Approved December 16, 1975.

LEGISLATIVE HISTORY:

HOUSE REPORT No. 94–121 (Comm. on the Judiciary).
SENATE REPORT No. 94–464 (Comm. on the Judiciary).
CONGRESSIONAL RECORD, Vol. 121 (1975):
Apr. 21, considered and passed House.
Dec. 2, considered and passed Senate, amended.
Dec. 3, House concurred in Senate amendment.

Public Law 94–156
94th Congress

An Act

To authorize the Secretary of the Interior to engage in feasibility investigations of certain potential water resource developments.

Dec. 16, 1975
[H.R. 6669]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Interior is hereby authorized to engage in feasibility studies of the following potential water resource developments:

Water resources, potential development. Feasibility studies.

(a) Power intertie potentials for the purpose of improving electric power transmission systems affecting the seventeen Western States.

(b) Boulder Canyon project modification, located at the existing Hoover Dam, at the Arizona-Nevada boundary on the Colorado River, in Mohave County, Arizona, and Clark County, Nevada.

(c) Minidoka project, Minidoka powerplant rehabilitation and enlargement, located at the existing Minidoka Dam, powerplant, and reservoir on the Snake River in Minidoka, Cassia, and Blaine Counties, Idaho.

(d) the Mora River Basin in Mora County, New Mexico.

(e) Yakima project, Yakima Indian Reservation near the Yakima River in Yakima and Klickitat Counties, Washington.

(f) Columbia Northside project, White Salmon Division, located along the White Salmon River in Klickitat and Skamania Counties, Washington.

(g) Seward project, Logan and Oklahoma Counties, Oklahoma.

(h) Frenchman-Cambridge division, Pick-Sloan Missouri Basin program, Chase, Hitchcock, Hayes, Frontier, Red Willow, Furnas, and Harlan Counties, Nebraska.

(i) Upper Canadian River Basin, Colfax County, New Mexico.

(j) Versippi Unit, Heart Division, Pick-Sloan Missouri Basin programs, Stark and Dunn Counties, North Dakota.

(k) Muddy Ridge area, Riverton unit, Pick-Sloan Missouri Basin program, Fremont County, Wyoming.

(l) A comprehensive resource analysis adequate to determine the feasibility of a geothermal energy utility system for the city of Susanville, California, and to initiate reconnaissance level studies of similar undertakings which may be requested by public entities in the future.

Approved December 16, 1975.

LEGISLATIVE HISTORY:

HOUSE REPORT No. 94–482 (Comm. on Interior and Insular Affairs).
SENATE REPORT No. 94–497 (Comm. on Interior and Insular Affairs).
CONGRESSIONAL RECORD, Vol. 121 (1975):
Oct. 6, considered and passed House.
Dec. 1, considered and passed Senate, amended.
Dec. 3, House concurred in Senate amendment.

Public Law 94–157
94th Congress

An Act

Dec. 18, 1975
[H.R. 10647]

Making supplemental appropriations for the fiscal year ending June 30, 1976, and the period ending September 30, 1976, and for other purposes.

Supplemental Appropriations Act, 1976.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the following sums are appropriated out of any money in the Treasury not otherwise appropriated to supply supplemental appropriations (this Act may be cited as the "Supplemental Appropriations Act, 1976") for the fiscal year ending June 30, 1976, and the period ending September 30, 1976, and for other purposes, namely:

TITLE I

CHAPTER I

DEPARTMENT OF AGRICULTURE

Farmers Home Administration

RURAL HOUSING INSURANCE FUND

For an additional amount for insured loans as authorized by title V of the Housing Act of 1949, as amended, $500,000,000.

42 USC 1471.

Soil Conservation Service

WATERSHED AND FLOOD PREVENTION OPERATIONS

For an additional amount for emergency measures for runoff retardation and soil-erosion prevention, as provided by section 216 of the Flood Control Act of 1950 (33 U.S.C. 701b–1) in addition to funds provided elsewhere, $26,432,000, to remain available until expended.

Food and Nutrition Service

SPECIAL MILK PROGRAM

For an additional amount to carry out the provisions of the Special Milk Program, as authorized by section 3 of the Child Nutrition Act of 1966, as amended (42 U.S.C. 1772), $60,000,000.

FOOD STAMP PROGRAM

For an additional amount for the "Food stamp program" for the period February 1, 1976, through June 30, 1976, $1,750,000,000, of which $100,000 shall be immediately available only for revising program regulations as authorized by existing law: *Provided*, That funds provided herein shall remain available until expended in accordance with section 16 of the Food Stamp Act of 1964, as amended.

7 USC 2025.

CHILD NUTRITION PROGRAMS

For necessary expenses to carry out the provisions of the National School Lunch Act, as amended, and the Child Nutrition Act of 1966, as amended, for the period February 1, 1976 through June 30, 1976, $2,050,000 for State administrative expenses. 42 USC 1751 note. 42 USC 1771 note.

GENERAL PROVISIONS

Section 610 under this head in the Agriculture and Related Agencies Appropriations Act, 1976, Public Law 94-122, is amended by striking "$37,452,000" and substituting in lieu thereof "$42,400,000" and by striking "$9,363,000" and substituting in lieu thereof "$10,650,000". *Ante*, p. 667.

RELATED AGENCIES

COMMODITY FUTURES TRADING COMMISSION

The limitation of $200,000 for employment under 5 U.S.C. 3109 under this head in the Agriculture and Related Agencies Appropriation Act, 1976, (Public Law 94-122) is increased to $265,000.

CHAPTER II

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

HOUSING PROGRAMS

FEDERAL HOUSING ADMINISTRATION FUND

For payment to cover actual losses sustained by the Special Risk Insurance Fund, $100,000,000; and for payment to cover actual losses under the General Insurance Fund from mortgages insured under section 221(d)(3) with below-market interest rates, $42,500,000; to remain available until expended, as authorized by the National Housing Act, as amended (12 U.S.C. 1715z-3; 12 U.S.C. 1715l).

DEPARTMENT OF THE TREASURY

NEW YORK CITY SEASONAL FINANCING FUND

For the revolving fund established pursuant to section 8(a) of Public Law 94-143, $2,300,000,000. *Ante*, p. 798.

NEW YORK CITY SEASONAL FINANCING FUND, ADMINISTRATIVE EXPENSES

For necessary expenses in carrying out the administration of Public Law 94-143, $1,000,000. *Ante*, p. 797.

For "New York City Seasonal Financing Fund, Administrative Expenses" for the period July 1, 1976, through September 30, 1976, $315,000.

CHAPTER III

DEPARTMENT OF LABOR

MANPOWER ADMINISTRATION

ADVANCES TO THE UNEMPLOYMENT TRUST FUND AND OTHER FUNDS

For repayable advances to the Unemployment Trust Fund, as authorized by sections 905(d) and 1203 of the Social Security Act, as amended, and for nonrepayable advances to the "Federal unemployment benefits and allowances" account, to remain available until September 30, 1977, $5,000,000,000.

42 USC 1105, 1323.

GRANTS TO STATES FOR UNEMPLOYMENT INSURANCE AND EMPLOYMENT SERVICES

For an additional amount to be expended for "Grants to States for Unemployment Insurance and Employment Services", from the Employment Security Administration account in the Unemployment Trust Fund, $364,100,000 to remain available until September 30, 1977, which shall be available only to the extent necessary to meet increased costs of administration resulting from changes in a State law or increases in the number of unemployment insurance claims filed and claims paid or increased salary costs resulting from changes in State salary compensation plans embracing employees of the State generally over those upon which the State's basic grant was based, which cannot be provided for by normal budgetary adjustments.

LABOR-MANAGEMENT SERVICES ADMINISTRATION

SALARIES AND EXPENSES

For an additional amount for "Salaries and expenses", $3,910,000.

For an additional amount for "Salaries and expenses" for the period July 1, 1976, through September 30, 1976, $1,077,000.

EMPLOYMENT STANDARDS ADMINISTRATION

SALARIES AND EXPENSES

For an additional amount for "Salaries and expenses", $2,926,000.

For an additional amount for "Salaries and expenses" for the period July 1, 1976, through September 30, 1976, $834,000.

SPECIAL BENEFITS

For an additional amount for "Special benefits", $97,100,000.

For an additional amount for "Special benefits" for the period July 1, 1976, through September 30, 1976, $10,800,000.

DEPARTMENTAL MANAGEMENT

SALARIES AND EXPENSES

For an additional amount for "Salaries and expenses", $203,000.

For an additional amount for "Salaries and expenses" for the period July 1, 1976, through September 30, 1976, $154,000.

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Health Services Administration

HEALTH SERVICES

For an additional amount for "Health services" for carrying out, to the extent not otherwise provided, titles III, X, and part D of title XI of the Public Health Service Act and sections 602, 604, and 605 of Public Law 94-63, $437,013,000. 42 USC 241, 300.

For an additional amount for "Health services" for carrying out, to the extent not otherwise provided, titles III, X, and part D of title XI and sections 602, 604, and 605 of Public Law 94-63 for the period July 1 through September 30, 1976, $89,662,000. *Ante*, p. 350. 42 USC 300c-21. *Ante*, p. 346, 348, 349. 42 USC 1395x note, 289 note.

Center for Disease Control

PREVENTIVE HEALTH SERVICES

For an additional amount for "Preventive health services" for carrying out, to the extent not otherwise provided, section 317 of the Public Health Service Act with regard to rat control project grants, $13,100,000. 42 USC 247b.

Alcohol, Drug Abuse, and Mental Health Administration

ALCOHOL, DRUG ABUSE, AND MENTAL HEALTH

For an additional amount for "Alcohol, drug abuse, and mental health" for carrying out, to the extent not otherwise provided, parts A, B, and D of the Community Mental Health Centers Act and section 603 of Public Law 94-63, $56,500,000. 42 USC 2681, 2688, 2688k. *Ante*, p. 347. 42 USC 289k-2 note.

Health Resources Administration

HEALTH RESOURCES

For an additional amount for "Health resources" for carrying out, to the extent not otherwise provided, title VIII of the Public Health Service Act, $85,000,000. 42 USC 296.

For an additional amount for "Health resources" for carrying out, to the extent not otherwise provided, title VIII of the Public Health Service Act, $6,000,000 for the period July 1, 1976, to September 30, 1976.

Assistant Secretary for Human Development

HUMAN DEVELOPMENT

For carrying out the White House Conference on Handicapped Individuals Act, $1,370,000, to remain available until June 30, 1977, and for carrying out the Developmentally Disabled Assistance and Bill of Rights Act, $55,625,000, of which $18,500,000 shall be provided from funds otherwise available for fiscal year 1976 for developmental disabilities service projects. 88 Stat. 1631. 29 USC 701 note. *Ante*, p. 486. 42 USC 6001 note.

For "Human development" for the period July 1, 1976, through September 30, 1976, $13,942,000, of which $4,625,000 shall be provided from funds otherwise available for the period July 1, 1976, through September 30, 1976, for developmental disabilities service projects.

DEPARTMENTAL MANAGEMENT

GENERAL DEPARTMENTAL MANAGEMENT

For an additional amount for "General departmental management", $413,000.

For an additional amount for "General departmental management" for the period July 1, 1976, through September 30, 1976, $206,000.

RELATED AGENCIES

COMMUNITY SERVICES ADMINISTRATION

COMMUNITY SERVICES PROGRAM

For an additional amount for "Community services program", $2,500,000.

CHAPTER IV

LEGISLATIVE BRANCH

SENATE

COMPENSATION AND MILEAGE OF THE VICE PRESIDENT AND SENATORS AND EXPENSE ALLOWANCES OF THE VICE PRESIDENT AND LEADERS OF THE SENATE

COMPENSATION AND MILEAGE OF THE VICE PRESIDENT AND SENATORS

For an additional amount for "Compensation and mileage of the Vice President and Senators", $181,500.

For an additional amount for "Compensation and mileage of the Vice President and Senators" for the period July 1, 1976, through September 30, 1976, $62,000.

SALARIES, OFFICERS AND EMPLOYEES

OFFICE OF THE SECRETARY

For an additional amount for "Office of the Secretary", $9,400: *Provided*, That effective January 1, 1976, the allowance for clerical assistance and readjustment of salaries in the Disbursing Office is increased by $18,762.

For an additional amount for "Office of the Secretary" for the period July 1, 1976, through September 30, 1976, $4,700.

ADMINISTRATIVE AND CLERICAL ASSISTANTS TO SENATORS

2 USC 61-1 note.

For an additional amount for "Administrative and Clerical Assistants to Senators", $26,400: *Provided*, That effective January 1, 1976, the clerk hire allowance of each Senator from the State of California shall be increased to that allowed Senators from States having a population of more than twenty-one million, the population of said State having exceeded twenty-one million inhabitants.

For an additional amount for "Administrative and Clerical Assistants to Senators" for the period July 1, 1976, through September 30, 1976, $13,200.

CONTINGENT EXPENSES OF THE SENATE

INQUIRIES AND INVESTIGATIONS

For an additional amount for "Inquiries and investigations", $1,080,000.

For an additional amount for "Inquiries and investigations" for the period July 1, 1976, through September 30, 1976, $275,000.

MISCELLANEOUS ITEMS

For an additional amount for "Miscellaneous items", fiscal year 1975, $350,000.

For an additional amount for "Miscellaneous items", $2,550,000.

For an additional amount for "Miscellaneous items" for the period July 1, 1976, through September 30, 1976, $1,275,000.

ADMINISTRATIVE PROVISIONS

SEC. 109. (a) Subsection (b) of Public Law 94-57 is amended by adding at the end thereof the following: "In carrying out the provisions of section 3620 of the Revised Statutes, as amended by subsection (a), the Secretary of the Senate shall promulgate such rules and regulations as may be appropriate with respect to the Senate. The provisions of section 3620(b)(1) of the Revised Statutes, requiring reimbursement for any additional check sent on behalf of an employee, shall not apply in the case of an additional check sent upon the request of an employee of the Senate.". *Ante*, p. 265. 31 USC 492 note. 31 USC 492.

(b) Subsection (c) of Public Law 94-57 is amended by adding at the end thereof the following: "In carrying out the provisions of section 3620 of the Revised Statutes, as amended by subsection (a), the Clerk of the House with approval of the Committee on House Administration shall promulgate such rules and regulations as may be appropriate with respect to the House. The provisions of section 3620(b)(1) of the Revised Statutes, requiring reimbursement for any additional check sent on behalf of an employee, shall not apply in the case of an additional check sent upon the request of an employee of the House.".

SEC. 110. Effective January 1, 1976, the Sergeant at Arms and Doorkeeper may appoint and fix the compensation of the following positions in the Senate Recording Studio: an assistant director at not to exceed $32,436 per annum in lieu of a chief video engineer at not to exceed $32,436 per annum; a chief video engineer at not to exceed $26,394 per annum in lieu of an administrative officer at not to exceed $26,394 per annum; a chief film and video cameraman at not to exceed $25,440 per annum in lieu of a director of photography at not to exceed $25,440 per annum; a film and video cameraman at not to exceed $20,352 per annum in lieu of a chief sound engineer at not to exceed $20,352 per annum; a video engineer at not to exceed $24,168 per annum in lieu of an assistant video engineer at not to exceed $24,168 per annum; a chief audio engineer at not to exceed $23,214 per annum in lieu of an assistant video engineer at not to exceed $23,214 per annum; a video technician at not to exceed $18,126 per annum in lieu of a cameraman at not to exceed $18,126 per annum; an audio engineer at not to exceed $15,900 per annum in lieu of a film and radio recording engineer at not to exceed $15,900 per annum; a film and laboratory technician at not to exceed $16,536 per annum in lieu of a color film technician at not to exceed $16,536 per annum; a secretary at not to exceed $11,448 per annum in lieu of a shipping and

stock clerk at not to exceed $11,448 per annum; an appointment secretary at not to exceed $13,038 per annum in lieu of a traffic manager at not to exceed $13,038 per annum; an audio engineer at not to exceed $17,172 per annum in lieu of a production assistant at not to exceed $17,172 per annum; a film and laboratory technician at not to exceed $20,352 per annum in lieu of an editor and printer at not to exceed $20,352 per annum; and an audio engineer at not to exceed $13,356 per annum in lieu of a laboratory technician at not to exceed $13,356 per annum.

2 USC 61-1 note.
Ante, p. 275.

SEC. 111. (a) The tenth sentence of section 105 of the Legislative Branch Appropriations Act, 1976, is amended by inserting immediately after "fiscal year," the following: "and the two employees referred to in such clause (A) who are employees of any joint committee having legislative authority,".

(b) The ninth sentence of section 4 under the heading "Administrative Provisions" in the appropriation for the Senate in the Legislative Branch Appropriations Act, 1975, is amended by inserting immediately after "joint committee employees" the following: ", who are not employees of a joint committee having legislative authority,".

88 Stat. 424.

Effective date.

(c) The amendments made by this section shall become effective January 1, 1976, and no increase in salary shall be payable for any period prior to such date by reason of enactment of this section.

40 USC 174b-1 note.

SEC. 112. (a) Notwithstanding any other provision of law, the Sergeant at Arms of the Senate, subject to the approval of the Committee on Rules and Administration, and the Committee on Appropriations, is authorized to lease, for use by the United States Senate, and for such other purposes as such committees may approve, all or any part of the property located at 400 North Capitol Street, Washington, District of Columbia, known as the "North Capitol Plaza Building": *Provided*, That rental payments under such lease for the entire property shall not exceed $3,375,000 per annum, exclusive of amounts for reimbursement for taxes paid and utilities furnished by the lessor: *Provided further*, That a lease shall not become effective until approved by Senate Resolution. Prior to such approval process the General Accounting Office shall examine the terms of the proposed lease and shall report to the Senate on its reasonableness, taking into account such factors as rental rates for similar space, advantages of proximity, and possible alternative arrangements. Such payments shall be paid from the Contingent Fund of the Senate upon vouchers approved by the Sergeant at Arms: *Provided further*, That such lease may be for a term not in excess of five years, and shall contain an option to purchase such property, and shall include such other terms and conditions as such committees may determine to be in the best interests of the Government: *Provided further*, That nothing in this section shall be construed so as to obligate the Senate or any of its Members, officers, or employees to enter into any such lease or to imply any obligation to enter into any such lease.

(b) Notwithstanding any other provision of law, property leased under authority of subsection (a) shall be maintained by the Architect of the Capitol as part of the "Senate Office Buildings" subject to the laws, rules, and regulations governing such buildings, and the Architect is authorized to incur such expenses as may be necessary to provide for such occupancy.

(c) Notwithstanding any other provision of law, the Sergeant at Arms of the Senate, subject to the approval of the Committee on Rules and Administration and the Committee on Appropriations, is authorized to sublease any part of the property leased under authority of subsection (a) which is in excess of the requirements of the Senate. All

rental payments under any such sublease shall be paid to the Sergeant at Arms of the Senate and such amounts shall thereupon be added to and merged with the appropriation "Miscellaneous Items" under the Contingent Fund of the Senate.

(d) Notwithstanding any other provision of law, upon the approval of the Committee on Rules and Administration and the Committee on Appropriations, the Secretary of the Senate shall transfer by voucher or vouchers to the Architect of the Capitol from the "Contingent Fund of the Senate" such amounts as may be necessary for the Architect of the Capitol to carry out the provisions of subsection (b) and such amounts shall thereupon be added to and merged with the appropriation "Senate Office Buildings". Transfer of funds.

(e) The authority under this section shall continue until otherwise provided by law.

SEC. 113. The provisions of sections 491(c) and 491(d) of the Legislative Reorganization Act of 1970, as amended (2 U.S.C. 88b–1), shall not apply to the pay of pages of the Senate and House of Representatives during the period between the recess or adjournment of the first session of the Ninety-fourth Congress and the convening of the second session of the Ninety-fourth Congress. The pay of Senate and House pages shall continue during such period of recess or adjournment.

SEC. 114. Notwithstanding the provisions of section 1110 of the Legislative Branch Appropriation Act, 1976, effective January 1, 1976, the pay of pages of the Senate shall not exceed a gross annual maximum rate in excess of $9,063. Effective date. *Ante*, p. 300.

HOUSE OF REPRESENTATIVES

HOUSE LEADERSHIP OFFICES

For an additional amount for "House leadership offices", $335,400, including: Office of the Speaker, $106,000; Office of the Majority Floor Leader, $36,000; Office of the Minority Floor Leader, $93,400; Office of the Majority Whip, $50,000; and Office of the Minority Whip, $50,000.

For an additional amount for "House leadership offices" for the period July 1, 1976, through September 30, 1976, $83,850, including: Office of the Speaker, $26,500; Office of the Majority Floor Leader, $9,000; Office of the Minority Floor Leader, $23,350; Office of the Majority Whip, $12,500; and Office of the Minority Whip, $12,500.

SALARIES, OFFICERS AND EMPLOYEES

For an additional amount for "Salaries, officers and employees", $232,000, including: House Democratic Steering Committee, $50,000; House Democratic Caucus, $66,000; and House Republican Conference, $116,000.

For an additional amount for "Salaries, officers and employees" for the period July 1, 1976, through September 30, 1976, $58,000, including: House Democratic Steering Committee, $12,500; House Democratic Caucus, $16,500; and House Republican Conference, $29,000.

MEMBERS' CLERK HIRE

For an additional amount for "Members' clerk hire", $5,621,000.

For an additional amount for "Members' clerk hire" for the period July 1, 1976, through September 30, 1976, $1,405,250.

CONTINGENT EXPENSES OF THE HOUSE

MISCELLANEOUS ITEMS

For an additional amount for "Miscellaneous items", $9,453,600.

For an additional amount for "Miscellaneous items" for the period July 1, 1976, through September 30, 1976, $2,363,400.

SPECIAL AND SELECT COMMITTEES

For an additional amount for "Special and select committees", $450,000.

For an additional amount for "Special and select committees" for the period July 1, 1976, through September 30, 1976, $112,500.

JOINT ITEMS

CONTINGENT EXPENSES OF THE SENATE

AMERICAN INDIAN POLICY REVIEW COMMISSION

For an additional amount for "American Indian Policy Review Commission", $385,168.

For an additional amount for "American Indian Policy Review Commission" for the period July 1, 1976, through September 30, 1976, $710.

OFFICIAL MAIL COSTS

For an additional amount for "Official mail costs", $16,080,000.

CONGRESSIONAL BUDGET OFFICE

SALARIES AND EXPENSES

For salaries and expenses necessary to carry out the provisions of the Congressional Budget Act of 1974 (Public Law 93-344), $4,736,340: *Provided*, That none of these funds shall be available for the purchase or hire of a passenger motor vehicle: *Provided further*, That none of the funds in this bill shall be available for salaries or expenses of any employee of the Congressional Budget Office in excess of 193 staff employees: *Provided further*, That the Congressional Budget Office shall have the authority to contract without regard to section 5 of title 41 of the United States Code (section 3709 of the Revised Statutes, as amended).

31 USC 1301 note.

2 USC 604.

For "Salaries and expenses" for the period July 1, 1976, through September 30, 1976, $1,184,085.

ARCHITECT OF THE CAPITOL

CAPITOL BUILDINGS AND GROUNDS

CAPITOL BUILDINGS

For an additional amount for "Capitol buildings", for relocation within the United States Capitol of statues contributed by States to the National Statuary Hall Collection under authority of section 1814 of the Revised Statutes, as amended (40 U.S.C. 187), $65,000, to be expended without regard to section 3709 of the Revised Statutes, as amended.

CAPITOL GROUNDS

For an additional amount for "Capitol grounds", for modifications to and replacement of existing traffic signals and installation of additional traffic signals and all items appurtenant thereto, conforming to previous authorization for such purpose contained in the Legislative Branch Appropriation Act, 1974 (87 Stat. 541), $100,000.

SENATE OFFICE BUILDINGS

For an additional amount for "Senate office buildings", $696,000, of which $200,000 shall remain available until expended.

For an additional amount for "Senate office buildings" for the period July 1, 1976, through September 30, 1976, $29,000.

LIBRARY BUILDINGS AND GROUNDS

STRUCTURAL AND MECHANICAL CARE

For an additional amount for "Library buildings and grounds, structural and mechanical care", $213,000.

ADMINISTRATIVE PROVISION

The third paragraph under the heading "Office of the Architect of the Capitol" and the sub-heading "Salaries" in the Legislative Branch Appropriation Act, 1960 (73 Stat. 407), as amended by section 214(p) of Public Law 90-206 (81 Stat. 638), is amended by striking out "one position" under the appropriation "Capitol Buildings" and inserting in lieu thereof "two positions" under the appropriation "Capitol Buildings". 40 USC 166b-3. 40 USC 166b-3.

LIBRARY OF CONGRESS

SALARIES AND EXPENSES

For an additional amount for "Salaries and expenses" for increased custody and care of the Library buildings, and for additional support for the preservation of motion pictures, $312,800.

For an additional amount for "Salaries and expenses" for the period July 1, 1976, through September 30, 1976, $36,000.

DISTRIBUTION OF CATALOG CARDS

SALARIES AND EXPENSES

The amount of $300,000 is hereby made available for "Salaries and expenses" to reimburse the United States Postal Service for valid unpaid obligations created in fiscal year 1973 to be derived by restoration of fiscal year 1974 unobligated balances, notwithstanding the provisions of 31 U.S.C. 701.

ADMINISTRATIVE PROVISION

The Disbursing Officer of the Library of Congress is authorized to disburse funds appropriated for the Congressional Budget Office, and the Library of Congress shall provide financial management support to the Congressional Budget Office as may be required and mutually agreed to by the Librarian of Congress and the Director of the Congressional Budget Office. 2 USC 142e.

2 USC 142e.

All vouchers certified for payment by duly authorized certifying officers of the Library of Congress shall be supported with a certification by an officer or employee of the Congressional Budget Office duly authorized in writing by the Director of the Congressional Budget Office to certify payments from appropriations of the Congressional Budget Office. The Congressional Budget Office certifying officers shall (1) be held responsible for the existence and correctness of the facts recited in the certificate or otherwise stated on the voucher or its supporting paper and the legality of the proposed payment under the appropriation or fund involved (2) be held responsible and accountable for the correctness of the computations of certifications made, and (3) be held accountable for and required to make good to the United States the amount of any illegal, improper, or incorrect payment resulting from any false, inaccurate, or misleading certificate made by him, as well as for any payment prohibited by law which did not represent a legal obligation under the appropriation or fund involved: *Provided*, That the Comptroller General of the United States may, at his discretion, relieve such certifying officer or employee of liability for any payment otherwise proper whenever he finds (1) that the certification was based on official records and that such certifying officer or employee did not know, and by reasonable diligence and inquiry could not have ascertained the actual facts, or (2) that the obligation was incurred in good faith, that the payment was not contrary to any statutory provision specifically prohibiting payments of the character involved, and the United States has received value for such payment: *Provided further*, That the Comptroller General shall relieve such certifying officer or employee of liability for an overpayment for transportation services made to any common carrier covered by section 66 of title 49, whenever he finds that the overpayment occurred solely because the administrative examination made prior to payment of the transportation bill did not include a verification of transportation rates, freight classifications, or land grant deduction.

2 USC 142b. (Public Law 85-53, paragraph 3, June 13, 1957, 71 Stat. 81.)

2 USC 142e.

The Disbursing Officer of the Library of Congress shall not be held accountable or responsible for any illegal, improper, or incorrect payment resulting from any false, inaccurate, or misleading certificate, the responsibility for which is imposed upon a certifying officer or employee of the Congressional Budget Office.

GOVERNMENT PRINTING OFFICE

Printing and Binding

For an additional amount for "Printing and binding" for the automation of the publications process for the Federal Register and the Code of Federal Regulations, $794,000.

For an additional amount for "Printing and binding" for the automation of the publications process for the Federal Register and the Code of Federal Regulations for the period July 1, 1976, through September 30, 1976, $199,000.

Office of Superintendent of Documents

SALARIES AND EXPENSES

For an additional amount for "Salaries and expenses", $800,000.

For an additional amount for "Salaries and expenses" for the period July 1, 1976, through September 30, 1976, $200,000.

PROJECT PLANNING

For expenses necessary to maintain project viability and continuity as they relate to the project for the relocation of the Government Printing Office, $210,000 to be available for transfer to the General Services Administration.

GENERAL ACCOUNTING OFFICE

SALARIES AND EXPENSES

For an additional amount for "Salaries and expenses", $1,292,000.

GENERAL PROVISIONS

Section 502(b) of the Mutual Security Act of 1954 (22 U.S.C. 1754 (b)), relating to the use of foreign currency, is amended by striking out "and the Joint Economic Committee" and inserting in lieu thereof ", the Joint Economic Committee, and the Joint Committee on Congressional Operations".

CHAPTER V

DEPARTMENT OF STATE

INTERNATIONAL ORGANIZATIONS AND CONFERENCES

CONTRIBUTIONS FOR INTERNATIONAL PEACEKEEPING ACTIVITIES

For payments, not otherwise provided for, by the United States for expenses of United Nations peacekeeping forces in the Middle East, $35,000,000, notwithstanding the limitation on contributions to international organizations contained in Public Law 92-544 (86 Stat. 1109, 1110).

INTERNATIONAL CONFERENCES AND CONTINGENCIES

Of the amount made available under this head in the Second Supplemental Appropriations Act of 1975, $442,000 shall remain available until September 30, 1976. 88 Stat. 1771.

INTERNATIONAL TRADE NEGOTIATIONS

For an additional amount for "International trade negotiations", $260,000, of which not to exceed $8,500 may be expended for representation allowances as authorized by section 901 of the Act of August 13, 1946, as amended (22 U.S.C. 1131) and for official entertainment: *Provided*, That this appropriation shall be available in accordance with the authority provided in the current appropriation for "International conferences and contingencies".

For an additional amount for "International trade negotiations" for the period July 1, 1976, through September 30, 1976, $65,000 of which not to exceed $2,500 may be expended for representation allowances, as authorized by section 901 of the Act of August 13, 1946, as amended (22 U.S.C. 1131), and for official entertainment: *Provided*, That this appropriation shall be available in accordance with the authority provided in the current appropriation for "International conferences and contingencies".

DEPARTMENT OF JUSTICE

LEGAL ACTIVITIES

SALARIES AND EXPENSES, GENERAL LEGAL ACTIVITIES

For a additional amount for "Salaries and expenses, General Legal Activities", $200,000.

DEPARTMENT OF COMMERCE

BUREAU OF THE CENSUS

PERIODIC CENSUSES AND PROGRAMS

For an additional amount for "Periodic censuses and programs", $4,940,000.

THE JUDICIARY

COURTS OF APPEALS, DISTRICT COURTS, AND OTHER JUDICIAL SERVICES

REPRESENTATION BY COURT-APPOINTED COUNSEL AND OPERATION OF DEFENDER ORGANIZATIONS

For an additional amount for "Representation by court-appointed counsel and operation of defender organizations", $4,100,000, of which not to exceed $1,800,000 shall be available for the liquidation of obligations incurred in prior years.

For an additional amount for "Representation by court-appointed counsel and operation of defender organizations", $575,000 for the period July 1, 1976, through September 30, 1976.

SALARIES AND EXPENSES OF UNITED STATES MAGISTRATES

For an additional amount for "Salaries and expenses of United States magistrates", $404,000.

For an additional amount for "Salaries and expenses of United States magistrates", $151,000 for the period July 1, 1976, through September 30, 1976.

SALARIES AND EXPENSES OF REFEREES

For an additional amount for "Salaries and expenses of referees", $1,466,000.

For an additional amount for "Salaries and expenses of referees", $661,000 for the period July 1, 1976, through September 30, 1976.

RELATED AGENCIES

FEDERAL COMMUNICATIONS COMMISSION

SALARIES AND EXPENSES

For an additional amount for "Salaries and expenses", $313,000.

For an additional amount for "Salaries and expenses" for the period July 1, 1976, through September 30, 1976, $111,000.

JAPAN-UNITED STATES FRIENDSHIP COMMISSION

JAPAN-UNITED STATES FRIENDSHIP TRUST FUND

For the purpose of implementing the Japan-United States Friendship Act (Public Law 94-118), there is appropriated to the Japan-United States Friendship Trust Fund, to remain available until expended, $18,000,000 of the total funds payable to the United States pursuant to the Agreement Between Japan and the United States of America concerning the Ryukyu Islands and the Daito Islands, signed at Washington and Tokyo, June 17, 1971. Funds appropriated under title I of Public Law 94-121 for United States-Japan Friendship Activities are transferred to the Japan-United States Friendship Trust Fund for the purpose of implementing the Japan-United States Friendship Act (Public Law 94-118) and are to remain available until expended.

Ante, p. 603.
22 USC 2901 note.

Ante, p. 611.

PRIVACY PROTECTION STUDY COMMISSION

SALARIES AND EXPENSES

For necessary expenses of the Privacy Protection Study Commission established by the Privacy Act of 1974 (5 U.S.C. 552a), $398,000, to remain available until expended.

For "Salaries and expenses" for the period July 1, 1976, through September 30, 1976, $200,000, to remain available until expended.

CHAPTER VI

DEPARTMENT OF TRANSPORTATION

FEDERAL AVIATION ADMINISTRATION

FACILITIES AND EQUIPMENT (AIRPORT AND AIRWAY TRUST FUND)

For necessary expenses, not otherwise provided for; for acquisition, establishment, and improvement by contract or purchase, and hire of air navigation and experimental facilities, including initial acquisition of necessary sites by lease or grant; engineering and service testing including construction of test facilities and acquisition of necessary sites by lease or grant; construction and furnishing of quarters and related accommodations for officers and employees of the Federal Aviation Administration stationed at remote localities where such accommodations are not available, and purchase of one aircraft; $245,537,000, to be derived from the Airport and Airway Trust Fund, to remain available until September 30, 1978: *Provided*, That there may be credited to this appropriation funds received from States, counties, municipalities, other public authorities, and private sources, for expenses incurred in the establishment and modernization of air navigation facilities: *Provided further*, That no part of the foregoing appropriation shall be available for the construction of a new wind tunnel, or to purchase any land for or in connection with the National Aviation Facilities Experimental Center, or to decommission in excess of five flight service stations: *Provided further*, That this appropriation shall be available only upon the enactment into law of authorizing legislation by the Ninety-fourth Congress.

GRANTS-IN-AID FOR AIRPORTS (LIQUIDATION OF CONTRACT AUTHORIZATION)

(AIRPORT AND AIRWAY TRUST FUND)

For an additional amount for "Grants-in-Aid for Airports (Airport and Airway Trust Fund)"; $50,000,000, to be derived from the Airport and Airway Trust Fund and to remain available until expended: *Provided*, That this appropriation shall be available only upon the enactment into law of authorizing legislation by the Ninety-fourth Congress.

For an additional amount for "Grants-in-Aid for Airports (Airport and Airway Trust Fund)" for the period July 1, 1976, through September 30, 1976; $43,000,000, to be derived from the Airport and Airway Trust Fund and to remain available until expended: *Provided*, That this appropriation shall be available only upon the enactment into law of authorizing legislation by the Ninety-fourth Congress.

URBAN MASS TRANSPORTATION ADMINISTRATION

URBAN MASS TRANSPORTATION FUND

(LIQUIDATION OF CONTRACT AUTHORIZATION)

For an additional payment to the urban mass transportation fund, for liquidation of contractual obligations incurred under authority of the Urban Mass Transportation Act of 1964 (49 U.S.C. 1601 et seq., as amended by Public Laws 91–453 and 93–503) and sections 103(e)(4) and 142(c) of title 23, United States Code; $300,000,000, to remain available until expended.

49 USC 1601a note, 1601b note.

For an additional amount for "Liquidation of contract authorization" for the period July 1, 1976, to September 30, 1976, $50,000,000, to remain available until expended.

CHAPTER VII

DEPARTMENT OF THE TREASURY

BUREAU OF ALCOHOL, TOBACCO AND FIREARMS

SALARIES AND EXPENSES

For an additional amount for "Salaries and expenses", including purchase of eighty passenger motor vehicles for police-type use, $5,500,000.

For an additional amount for "Salaries and expenses", for the period July 1, 1976, through September 30, 1976, $1,375,000.

BUREAU OF THE PUBLIC DEBT

ADMINISTERING THE PUBLIC DEBT

Of the amount provided under this head in the "Treasury, Postal Service, and General Government Appropriation Act, 1976", $677,000 shall be available for expenses of travel, notwithstanding the provisions of section 501 of the Act.

Ante, p. 457.

UNITED STATES SECRET SERVICE

SALARIES AND EXPENSES

For an additional amount for "Salaries and expenses", including purchase of three hundred and twenty-nine motor vehicles for police type use, $10,500,000.

For an additional amount for "Salaries and expenses" for the period July 1, 1976 through September 30, 1976, $2,500,000.

EXECUTIVE OFFICE OF THE PRESIDENT

DOMESTIC COUNCIL

SALARIES AND EXPENSES

For an additional amount for "Salaries and exenses", $300,000.

For an additional amount for "Salaries and expenses" for the period July 1, 1976, through September 30, 1976, $75,000.

OFFICE OF MANAGEMENT AND BUDGET

SALARIES AND EXPENSES

(TRANSFER OF FUNDS)

For an additional amount for "Salaries and expenses", $500,000 to be derived by transfer from the appropriation for "Federal Supply Service, operating expenses, General Services Administration", fiscal year 1976.

For an additional amount for "Salaries and expenses" for the period July 1, 1976, through September 30, 1976, $120,000 to be derived by transfer from the appropriation for "Federal Supply Service, operating expenses, General Services Administration", fiscal year 1976.

INDEPENDENT AGENCIES

CIVIL SERVICE COMMISSION

SALARIES AND EXPENSES

For an additional amount for "Salaries and expenses", $500,000.

For an additional amount for "Salaries and expenses" for the period July 1, 1976, through September 30, 1976, $100,000.

FEDERAL LABOR RELATIONS COUNCIL

SALARIES AND EXPENSES

For an additional amount for "Salaries and expenses", $105,000.

For an additional amount for "Salaries and expenses" for the period July 1, 1976, through September 30, 1976, $39,000.

COMMISSION ON FEDERAL PAPERWORK

SALARIES AND EXPENSES

For an additional amount for "Salaries and expenses", $4,000,000.

For "Salaries and expenses" for the period July 1, 1976, through September 30, 1976, $2,000,000, to remain available until expended.

GENERAL SERVICES ADMINISTRATION

REFUNDS UNDER RENEGOTIATION ACT

For necessary expenses to carry out section 201(f) of the Renegotiation Act of 1951 (50 U.S.C. App. 1231(f)), $1,000,000, to remain available until expended.

TEMPORARY STUDY COMMISSIONS

NATIONAL COMMISSION ON SUPPLIES AND SHORTAGES

SALARIES AND EXPENSES

50 USC app. 2094 note.

For necessary expenses to carry out the provisions of the National Commission on Supplies and Shortages Act (Public Law 93-426), including personal services without regard to the provisions of law regulating the employment and compensation of persons in the Government service, $622,500: *Provided*, That this appropriation shall be available only upon enactment into law of authorizing legislation.

For necessary expenses for the period July 1, 1976, through September 30, 1976, to carry out the provisions of the National Commission on Supplies and Shortages Act (Public Law 93-426), including personal services without regard to the provisions of law regulating the employment and compensation of persons in the Government service, $295,000: *Provided*, That this appropriation shall be available only upon enactment into law of authorizing legislation.

88 Stat. 1771.

Funds appropriated under this heading in the Supplemental Appropriations Act, 1975, shall remain available until October 1, 1976.

CHAPTER VIII

CLAIMS AND JUDGMENTS

For payment of claims settled and determined by departments and agencies in accord with law and judgments rendered against the United States by the United States Court of Claims and United States district courts, as set forth in House Document Numbered 94-286, Ninety-fourth Congress, and Senate Document Numbered 94-133, Ninety-fourth Congress, $43,472,009, together with such amounts as may be necessary to pay interest (as and when specified in such judgments or provided by law) and such additional sums due to increases in rates of exchange as may be necessary to pay claims in foreign currency: *Provided*, That no judgment herein appropriated for shall be paid until it shall become final and conclusive against the United States by failure of the parties to appeal or otherwise: *Provided further*, That unless otherwise specifically required by law or by judgment, payment of interest wherever appropriated for herein shall not continue for more than thirty days after the date of approval of the Act.

TITLE II

GENERAL PROVISIONS

SEC. 201. No part of any appropriation contained in this Act shall remain available for obligation beyond the current fiscal year unless expressly so provided herein, except as provided in section 204 of the Supplemental Appropriation Act, 1975 (Public Law 93-554).

88 Stat. 1784.

SEC. 202. No part of any appropriation, funds, or other authority contained in this Act shall be available for paying to the Administrator of the General Services Administration in excess of 90 per centum of the standard level user charge established pursuant to section 210(j) of the Federal Property and Administrative Services Act of 1949, as amended, for space and services. 40 USC 490.

SEC. 203. No part of the funds appropriated by this Act shall be used during the fiscal year ending June 30, 1976 to make food stamps available to any household, to the extent that the entitlement otherwise available to such household is attributable to an individual who: (i) has reached his eighteenth birthday; (ii) is enrolled in an institution of higher education; and (iii) is properly claimed as a dependent child for Federal income tax purposes by a taxpayer who is not a member of an eligible household. Food stamps, limitations.

SEC. 205. (a) It is the sense of Congress that the President, through the Director of the Office of Management and Budget, shall take immediate steps to restrain the inflationary impact of Federal expenditures and to conserve the use of energy by ordering a reduction of Federal travel expenditures not to exceed 10 percent. Travel expenses, limitations.

(b) These steps shall include such provisions as are necessary to insure that such reductions are allocated so as not to disrupt the provision of vital governmental services or the organized troop movement of military personnel.

(c) The President is requested to submit to Congress, within 30 days of adoption of this section by the Senate and the House of Representatives a report outlining his actions. Presidential report to Congress.

Approved December 18, 1975.

LEGISLATIVE HISTORY:

HOUSE REPORTS: No. 94-645 (Comm. on Appropriations) and No. 94-718 (Comm. of Conference).

SENATE REPORT No. 94-511 (Comm. on Appropriations).

CONGRESSIONAL RECORD, Vol. 121 (1975):

Nov. 13, considered and passed House.

Dec. 5, 8-10, considered and passed Senate, amended.

Dec. 15, House and Senate agreed to conference report; resolved amendments in disagreement.

Public Law 94-158
94th Congress
An Act

Dec. 20, 1975
[S. 1800]

To provide indemnities for exhibitions of artistic and humanistic endeavors, and for other purposes.

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

Arts and Artifacts Indemnity Act.

SHORT TITLE

20 USC 971 note.

SECTION 1. This Act may be cited as the "Arts and Artifacts Indemnity Act".

FEDERAL COUNCIL

20 USC 971.

SEC. 2. (a) The Federal Council on the Arts and Humanities (hereinafter in this Act referred to as the "Council"), established under section 9 of the National Foundation on the Arts and the Humanities Act of 1965, is authorized to make agreements to indemnify against loss or damage such items as may be eligible for such indemnity agreements under section 3—

20 USC 958.

(1) in accordance with the provisions of this Act; and

(2) on such terms and conditions as the Council shall prescribe, by regulation, in order to achieve the purposes of this Act and, consistent with such purposes, to protect the financial interest of the United States.

(b) For purposes of this Act, the Council shall be an "agency" within the meaning of the appropriate definitions of such term in title 5, United States Code.

ELIGIBLE ITEMS

20 USC 972.

SEC. 3. (a) The Council may make an indemnity agreement under this Act with respect to—

(1) works of art, including tapestries, paintings, sculpture, folk art, graphics, and craft arts;

(2) manuscripts, rare documents, books, and other printed or published materials;

(3) other artifacts or objects; and

(4) photographs, motion pictures, or audio and video tape;

which are (A) of educational, cultural, historical, or scientific value, and (B) the exhibition of which is certified by the Secretary of State or his designee as being in the national interest.

(b)(1) An indemnity agreement made under this Act shall cover eligible items while on exhibition in the United States, or elsewhere when part of an exchange of exhibitions, but in no case shall both parts of such an exchange be so covered.

"On exhibition."

(2) For purposes of this subsection, the term "on exhibition" includes that period of time beginning on the date the eligible items leave the premises of the lender or place designated by the lender and ending on the date such items are returned to the premises of the lender or place designated by the lender.

APPLICATION

SEC. 4. (a) Any person, nonprofit agency, institution, or government desiring to make an indemnity agreement for eligible items under this Act shall make application therefor in accordance with such procedures, in such form, and in such manner as the Council shall, by regulation, prescribe. 20 USC 973.

(b) An application under subsection (a) shall—

(1) describe each item to be covered by the agreement (including an estimated value of such item);

(2) show evidence that the items are eligible under section 3(a); and

(3) set forth policies, procedures, techniques, and methods with respect to preparation for, and conduct of, exhibition of the items, and any transportation related to such items.

(c) Upon receipt of an application under this section, the Council shall, if such application conforms with the requirements of this Act, approve the application and make an indemnity agreement with the applicant. Upon such approval, the agreement shall constitute a contract between the Council and the applicant pledging the full faith and credit of the United States to pay any amount for which the Council becomes liable under such agreement. The Council, for such purpose, is hereby authorized to pledge the full faith and credit of the United States.

INDEMNITY AGREEMENT

SEC. 5. (a) Upon receipt of an application meeting the requirements of subsections (a) and (b) of section 4, the Council shall review the estimated value of the items for which coverage by an indemnity agreement is sought. If the Council agrees with such estimated value, for the purposes of this Act, the Council shall, after approval of the application as provided in subsection (c) of section 4, make an indemnity agreement. 20 USC 974.

(b) The aggregate of loss or damage covered by indemnity agreements made under this Act shall not exceed $250,000,000 at any one time.

(c) No indemnity agreement for a single exhibition shall cover loss or damage in excess of $50,000,000.

(d) Coverage under this Act shall only extend to loss or damage in excess of the first $15,000 of loss or damage resulting from a single exhibition.

REGULATIONS

SEC. 6. (a) The Council shall prescribe regulations providing for prompt adjustment of valid claims for losses which are covered by an agreement made pursuant to section 5, including provision for arbitration of issues relating to the dollar value of damages involving less than total loss or destruction of such covered objects. 20 USC 975.

(b) In the case of a claim of loss with respect to an item which is covered by an agreement made pursuant to section 5, the Council shall certify the validity of the claim and the amount of the loss to the Speaker of the House of Representatives and the President pro tempore of the Senate.

AUTHORIZATION OF APPROPRIATIONS

20 USC 976.

SEC. 7. There are hereby authorized to be appropriated such sums as may be necessary (1) to enable the Council to carry out its functions under this Act, and (2) to pay claims certified pursuant to section 6(b).

REPORT

20 USC 977.

SEC. 8. The Council shall report annually to the Congress (1) all claims actually paid pursuant to this Act during the preceding fiscal year, (2) pending claims against the Council under this Act as of the close of that fiscal year, and (3) the aggregate face value of contracts entered into by the Council which are outstanding at the close of that fiscal year.

EFFECTIVE DATE

20 USC 971 note.

SEC. 9. This Act shall become effective 30 days after the date of the enactment of this Act.

Approved December 20, 1975.

LEGISLATIVE HISTORY:

HOUSE REPORT No. 94–680 accompanying H.R. 7782 (Comm. on Education and Labor).
SENATE REPORT No. 94–289 (Comm. on Labor and Public Welfare).
CONGRESSIONAL RECORD, Vol. 121 (1975):
July 25, considered and passed Senate.
Dec. 1, considered and passed House, amended, in lieu of H.R. 7782.
Dec. 4, Senate concurred in House amendments.
WEEKLY COMPILATION OF PRESIDENTIAL DOCUMENTS, Vol. 11, No. 52:
Dec. 20, Presidential statement.

Public Law 94–159
94th Congress

Joint Resolution

Making further continuing appropriations for the fiscal year 1976, and for other purposes.

Dec. 20, 1975
[H.J. Res. 733]

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That clause (c) of section 102 of the joint resolution of June 27, 1975 (Public Law 94–41), is hereby amended by striking out "sine die adjournment of the first session of the Ninety-fourth Congress" and inserting in lieu thereof "March 31, 1976".

Continuing appropriations, 1976.
Ante, p. 230.

Approved December 20, 1975.

LEGISLATIVE HISTORY:

HOUSE REPORT No. 94–688 (Comm. on Appropriations).
SENATE REPORT No. 94–517 (Comm. on Appropriations).
CONGRESSIONAL RECORD, Vol. 121 (1975):
Dec. 4, considered and passed House.
Dec. 12, considered and passed Senate.

Public Law 94–160
94th Congress

An Act

Dec. 20, 1975
[H.R. 2724]

To provide for establishment of the Father Marquette National Memorial near Saint Ignace, Michigan, and for other purposes.

Father Marquette National Memorial, Mich. Establishment.
16 USC 431 note.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the area of Saint Ignace, Michigan, is recognized as an appropriate location for a national memorial to commemorate Father Jacques Marquette, who was buried there in 1678, and that the Secretary of the Interior (hereinafter referred to as the "Secretary") is authorized to take appropriate action, as hereinafter provided, to commemorate the advent and history of Father Marquette in North America, including his establishment of a mission at Saint Ignace in 1671, and his historic exploration, in company with Louis Joliet, of the Mississippi River in 1673.

16 USC 431 note.

SEC. 2. The Secretary shall enter into an agreement, satisfactory to him, with the Governor of the State of Michigan providing for the location, design, construction, and operation by the State of Michigan of the Father Marquette National Memorial in the area of Saint Ignace, Michigan. Upon conclusion of that agreement, and when in the opinion of the Secretary sufficient lands have been acquired by the State of Michigan to constitute an efficiently administrable memorial for the purposes of this Act, the Secretary is authorized to designate the Father Marquette National Memorial by publication of notice thereof in the Federal Register.

Publication in Federal Register.

16 USC 431 note.

SEC. 3. In conjunction with the development and operation of the memorial provided for by this Act, the Secretary is authorized to render to the State of Michigan such assistance, including, but not limited to, technical advice and grants of funds for land acquisition and development, as he deems appropriate to promote public understanding and appreciation of the significant role of Jacques Marquette in the history of the Nation: *Provided*, That before any such assistance is rendered by the Secretary, the agreement referred to in section 2 of this Act shall have been concluded.

Appropriation authorization.
16 USC 431 note.

SEC. 4. There are hereby authorized to be appropriated such sums, but not to exceed $1,000,000, as may be necessary for assistance rendered by the Secretary pursuant to the provisions of this Act.

Approved December 20, 1975.

LEGISLATIVE HISTORY:

HOUSE REPORT No. 94–546 (Comm. on Interior and Insular Affairs).
SENATE REPORT No. 94–492 (Comm. on Rules and Administration).
CONGRESSIONAL RECORD, Vol. 121 (1975):
Nov. 4, considered and passed House.
Dec. 11, considered and passed Senate.

Public Law 94-161
94th Congress

An Act

To authorize assistance for disaster relief and rehabilitation, to provide for overseas distribution and production of agricultural commodities, to amend the Foreign Assistance Act of 1961, and for other purposes.

Dec. 20, 1975
[H.R. 9005]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "International Development and Food Assistance Act of 1975".

International Development and Food Assistance Act of 1975.
22 USC 2151 note.

TITLE I—INTERNATIONAL DISASTER ASSISTANCE

INTERNATIONAL DISASTER ASSISTANCE

SEC. 101. The Foreign Assistance Act of 1961 is amended—

(1) by amending the chapter heading for chapter 9 of part I to read "CHAPTER 9—INTERNATIONAL DISASTER ASSISTANCE"; 22 USC 2292.

(2) by repealing section 491; Repeal. 22 USC 2292.

(3) by inserting immediately after the chapter heading for such chapter 9 the following new sections:

"SEC. 491. POLICY AND GENERAL AUTHORITY.—(a) The Congress, recognizing that prompt United States assistance to alleviate human suffering caused by natural and manmade disasters is an important expression of the humanitarian concern and tradition of the people of the United States, affirms the willingness of the United States to provide assistance for the relief and rehabilitation of people and countries affected by such disasters. 22 USC 2292.

"(b) Subject to the limitation on appropriations in section 492, and notwithstanding any other provision of this or any other Act, the President is authorized to furnish assistance to any foreign country or international organization on such terms and conditions as he may determine, for international disaster relief and rehabilitation, including assistance relating to disaster preparedness, and to the prediction of, and contingency planning for, natural disasters abroad. *Infra.*

"(c) In carrying out the provisions of this section the President shall insure that the assistance provided by the United States shall, to the greatest extent possible, reach those most in need of relief and rehabilitation as a result of natural and manmade disasters.

"SEC. 492. AUTHORIZATION.—There is authorized to be appropriated to the President to carry out section 491, $25,000,000 for each of the fiscal years 1976 and 1977. Amounts appropriated under this section are authorized to remain available until expended. The President shall submit quarterly reports to the Committee on Foreign Relations of the Senate and to the Speaker of the House of Representatives on the programing and obligation of funds under this section. 22 USC 2292a. Reports to Senate committee and Speaker of the House.

"SEC. 493. DISASTER ASSISTANCE—COORDINATION.—The President is authorized to appoint a Special Coordinator for International Disaster Assistance whose responsibility shall be to promote maximum effectiveness and coordination in responses to foreign disasters by United States agencies and between the United States and other donors. Included among the Special Coordinator's responsibilities Special Coordinator for International Disaster Assistance. Presidential appointment. 22 USC 2292b.

shall be the formulation and updating of contingency plans for providing disaster relief.";

22 USC 2292c. (4) by redesignating section 452 as section 494 and inserting it immediately after section 493;

22 USC 2292d, 2292e. (5) by redesignating sections 639A and 639B as sections 494A and 494B, respectively, and inserting them immediately after section 494;

Repeal. (6) by repealing section 639;

22 USC 2399. 22 USC 2292e. (7) in section 494B, as redesignated by paragraph (5) of this section—

(A) by striking out "SAHEL" in the section caption,

(B) by inserting "(a)" immediately after the section caption,

(C) by striking out "supports" and inserting in lieu thereof "reaffirms its support of", and

(D) by adding the following new subsections at the end thereof:

Sahel and drought-stricken African nations, comprehensive development plan.

"(b) The President is authorized to develop a long-term comprehensive development program for the Sahel and other drought-stricken nations in Africa.

"(c) In developing this long-term program, the President shall—

"(1) consider international coordination for the planning and implementation of such program;

"(2) seek greater participation and support by African countries and organizations in determining development priorities; and

"(3) begin such planning immediately.

Appropriation authorization.

"(d) There is authorized to be appropriated to the President, to carry out the purposes of this section, in addition to funds otherwise available for such purposes, $5,000,000 for the fiscal year 1976, which amount is authorized to remain available until expended. The President shall submit to the Foreign Relations and Appropriations Committees of the Senate and the International Relations and Appropriations Committees of the House of Representatives not later than April 30, 1976, a comprehensive proposal for carrying out the provisions of this section which shall include budget materials relating to programs for the fiscal year 1977."; and

Comprehensive proposal, submittal to congressional committees.

(8) by adding the following new section immediately after new section 494B:

22 USC 2292f. "SEC. 495. CYPRUS RELIEF AND REHABILITATION.—The President is authorized to furnish assistance, on such terms and conditions as he may determine, for the relief and rehabilitation of refugees and other needy people in Cyprus. There is authorized to be appropriated for the purposes of this section, in addition to amounts otherwise available for such purposes, $30,000,000. Such amount is authorized to remain available until expended. Assistance under this section shall be provided in accordance with the policy and general authority contained in section 491.".

Ante, p. 849.

TITLE II—FOOD AID TO POOR COUNTRIES

POLICY

7 USC 1691. SEC. 201. Section 2 of the Agricultural Trade Development and Assistance Act of 1954 is amended by adding at the end thereof the following:

"In furnishing food aid under this Act, the President shall—

"(1) give priority consideration, in helping to meet urgent food needs abroad, to making available the maximum feasible volume of food commodities (with appropriate regard to domestic price and supply situations) required by those countries most seriously affected by food shortages and by inability to meet immediate food requirements on a normal commercial basis;

"(2) continue to urge all traditional and potential new donors of food, fertilizer, or the means of financing these commodities to increase their participation in efforts to address the emergency and longer term food needs of the developing world;

"(3) relate United States assistance to efforts by aid-receiving countries to increase their own agricultural production, with emphasis on development of small, family farm agriculture, and improve their facilities for transportation, storage, and distribution of food commodities;

"(4) give special consideration to the potential for expanding markets for America's agricultural abundance abroad in the allocation of commodities or concessional financing; and

"(5) give appropriate recognition to and support of a strong and viable American farm economy in providing for the food security of consumers in the United States and throughout the world.".

WORLD FOOD CONFERENCE TARGET

SEC. 202. The Agricultural Trade Development and Assistance Act of 1954 is amended by inserting immediately after section 2 the following new section:

"SEC. 3. Pursuant to the World Food Conference recommendation that donor countries provide a total of at least ten million tons of food assistance to needy nations annually, the President is urged to maintain a significant United States contribution to this goal and to encourage other countries to maintain and increase their contributions as well.". 7 USC 1691a.

EXERCISE OF AUTHORITIES

SEC. 203. Section 103 of the Agricultural Trade Development and Assistance Act of 1954 is amended— 7 USC 1703.

(1) by amending subsection (a) to read as follows:

"(a) take into account efforts of friendly countries to help themselves toward a greater degree of self-reliance, including efforts to increase their own agricultural production, especially through small, family farm agriculture, to improve their facilities for transportation, storage, and distribution of food commodities, and to reduce their rate of population growth;";

(2) in subsection (b), by inserting "and in section 106(b)(2)" immediately after "section 104"; and

(3) in subsection (d), by striking out the second proviso and inserting in lieu thereof "*Provided*, That this exclusion from the definition of 'friendly country' may be waived by the President if he determines that such waiver is in the national interest and reports such determination to the Congress within 10 days of the date of such determination,". Waiver.

FOREIGN CURRENCIES FROM OVERSEAS SALES

SEC. 204. Section 104 of the Agricultural Trade Development and Assistance Act of 1954 is amended— 7 USC 1704.

(1) by inserting immediately after "the House Committee on Agriculture" each time it appears "and the House Committee on International Relations";

(2) by inserting immediately after "the Senate Committee on Agriculture and Forestry" each time it appears "and the Senate Committee on Foreign Relations"; and

Repeal. (3) by repealing subsection (c).

USE BY FOREIGN COUNTRIES OF PROCEEDS OF SALES OF AGRICULTURAL COMMODITIES

SEC. 205. Section 106(b) of the Agricultural Trade Development and Assistance Act of 1954 is amended— 7 USC 1706.

(1) by inserting "(1)" immediately after "(b)";

(2) by adding at the end thereof: "In negotiating such agreements with recipient countries, the United States shall emphasize the use of such proceeds for purposes which directly improve the lives of the poorest of their people and their capacity to participate in the development of their countries."; and

(3) by adding at the end thereof the following new paragraphs:

"(2) Greatest emphasis shall be placed on the use of such proceeds to carry out programs of agricultural development, rural development, nutrition, and population planning, and to carry out the program described in section 406(a)(1) of this Act, in those countries which are undertaking self-help measures to increase agricultural production, improve storage, transportation, and distribution of commodities, and reduce population growth in accordance with section 109 of this Act, and which programs are directed at and likely to achieve the policy objectives of sections 103 and 104 of the Foreign Assistance Act of 1961 and are consistent with the policy objectives of this Act, pursuant to agreements between the United States and foreign governments under which uses of such proceeds shall be made for such purposes. Such uses shall be deemed payments for the purpose of section 103(b) of this Act, except that for any fiscal year the total value of such payments may not exceed 15 per centum of the total value of all agreements entered into under title I of this Act for such fiscal year. Such payments shall be described in the reports required by section 408 of this Act and section 657 of the Foreign Assistance Act of 1961.

7 USC 1736.
7 USC 1709.
22 USC 2151a, 2151b.
7 USC 1703.
7 USC 1736b.
22 USC 2417.

"(3) In entering into agreements for the sale of agricultural commodities for dollars on credit terms under this title, priority shall be given to countries which agree to use the proceeds from the sale of the commodities in accordance with the country's agricultural development plan which—

"(A) is designed to increase the access of the poor in the recipient country to an adequate, nutritious, and stable food supply;

"(B) provides for such objectives as—

"(i) making farm production equipment and facilities available to farmers,

"(ii) credit on reasonable terms and conditions for small farmers, and

"(iii) farm extension and technical information services designed to improve the marketing, storage, transportation, and distribution system for agricultural commodities and to develop the physical and institutional infrastructure supporting the small farmer;

"(C) provides for participation by the poor, insofar as possible, in the foregoing at the regional and local levels; and

"(D) is designed to reach the largest practicable number of farmers in the recipient country.".

SALES AGREEMENTS WITH DEVELOPING COUNTRIES

SEC. 206. Section 109(a) of the Agricultural Trade Development and Assistance Act of 1954 is amended by adding at the end thereof: "In taking these self-help measures into consideration the President shall take into particular account the extent to which they are being carried out in ways designed to contribute directly to development progress in poor rural areas and to enable the poor to participate actively in increasing agricultural production through small farm agriculture.". 7 USC 1709.

ASSISTANCE TO MOST SERIOUSLY AFFECTED COUNTRIES

SEC. 207. Title I of the Agricultural Trade Development and Assistance Act of 1954 is amended by adding at the end thereof the following new section:

"SEC. 111. Not more than 25 per centum of the food aid commodities provided under this title in each fiscal year shall be allocated and agreed to be delivered to countries other than those with an annual per capita gross national product of $300 or less and affected by inability to secure sufficient food for their immediate requirements through their own production or commercial purchase from abroad, unless the President certifies to the Congress that the use of such food assistance is required for humanitarian food purposes and neither House of Congress disapproves such use, by resolution, within thirty calendar days after such certification. In determining per capita gross national product for the purposes of this section, the President is authorized and directed to make use of data developed by the World Bank for its most recent annual report and relied upon by the Secretary of the Treasury. A reduction below 75 per centum in the proportion of food aid allocated and agreed to be delivered to countries with a per capita gross national product of $300 or less and affected by inability to secure sufficient food for their immediate requirements through their own production or commercial purchase from abroad which results from significantly changed circumstances occurring after the initial allocation shall not constitute a violation of the requirements of this section. Any reallocation of food aid shall be in accordance with this section so far as practicable. The President shall report promptly any such reduction, and the reasons therefor, to the Congress.". 7 USC 1711. Report to Congress.

CONTINUITY OF DISTRIBUTION UNDER TITLE II

SEC. 208. Section 201 of the Agricultural Trade Development and Assistance Act of 1954 is amended— 7 USC 1721.

(1) by inserting "(a)" immediately after "SEC. 201." ; and

(2) by adding at the end thereof the following new subsection:

"(b) The minimum quantity of agricultural commodities distributed

under this title shall be 1,300,000 tons of which the minimum distributed through nonprofit voluntary agencies and the World Food Program shall be one million tons in each fiscal year, unless the President determines and reports to the Congress, together with his reasons, that such quantity cannot be used effectively to carry out the purposes of this title: *Provided*, That such minimum quantity shall not exceed the total quantity of commodities determined to be available for disposition under this Act pursuant to section 401, less the quantity of commodities required to meet famine or other urgent or extraordinary relief requirements.".

7 USC 1731.

LIMITATION ON USE OF FOREIGN CURRENCIES

SEC. 209. Title II of the Agricultural Trade Development and Assistance Act of 1954 is amended by adding at the end thereof the following new section:

7 USC 1726.

"SEC. 206. Except to meet famine or other urgent or extraordinary relief requirements, no assistance under this title shall be provided under an agreement permitting generation of foreign currency proceeds unless (1) the country receiving the assistance is undertaking self-help measures in accordance with section 109 of this Act, (2) the specific uses to which the foreign currencies are to be put are set forth in a written agreement between the United States and the recipient country, and (3) such agreement provides that the currencies will be used for purposes specified in section 103 of the Foreign Assistance Act of 1961. The President shall include information on currencies used in accordance with this section in the reports required under section 408 of this Act and section 657 of the Foreign Assistance Act of 1961.".

7 USC 1709.

22 USC 2151a.

7 USC 1736b.
22 USC 2417.

ADVISORY COMMITTEE

SEC. 210. Section 407 of the Agricultural Trade Development and Assistance Act of 1954 is amended by inserting immediately before the period at the end of the first sentence ", or their designees (who shall be members of such committees or, in the case of members from the executive branch, who shall have been confirmed by the Senate)".

7 USC 1736a.

REPORTS TO THE CONGRESS

SEC. 211. Section 408 of the Agricultural Trade Development and Assistance Act of 1954 is amended—

7 USC 1736b.

(1) by inserting "(a)" immediately after "SEC. 408.";

(2) by striking out "calendar" in the first sentence and inserting in lieu thereof "fiscal"; and

(3) by adding the following new subsections:

"(b) In his presentation to the Congress of planned programing of food assistance for each fiscal year, the President shall include a global assessment of food production and needs, self-help steps which are being taken by food-short countries under section 109(a) of this Act, steps which are being taken to encourage other countries to increase their participation in food assistance or the financing of food assistance, and the relationship between food assistance provided to each country under this Act and other foreign assistance provided to such country by the United States and other donors.

7 USC 1709.

Report to congressional committees.

"(c) Not later than November 1 of each calendar year the President shall submit to the House Committee on Agriculture, the House Committee on International Relations, the Senate Committee on Agriculture and Forestry, and the Senate Committee on Foreign Relations a

revised global assessment of food production and needs, and revised planned programming of food assistance for the current fiscal year, to reflect, to the maximum extent feasible, the actual availability of commodities for food assistance.".

INTERNATIONAL FOOD RESERVE SYSTEM

SEC. 212. The Agricultural Trade Development and Assistance Act of 1954 is amended by adding at the end thereof the following new section:

"SEC. 412. The President is authorized and encouraged to seek international agreement, subject to congressional approval, for a system of food reserves to meet food shortage emergencies and to provide insurance against unexpected shortfalls in food production, with costs of such a system to be equitably shared among nations and with farmers and consumers to be given firm safeguards against market price disruption from such a system.". 7 USC 1736f.

REPORT REGARDING IMPLEMENTATION OF RECOMMENDATIONS OF WORLD FOOD CONFERENCE

SEC. 213. The Congress calls upon the President to strengthen the efforts of the United States to carry out the recommendations of the World Food Conference. The President shall submit a detailed report to the Congress not later than November 1, 1976, with respect to the steps he has taken to carry out the recommendations of the World Food Conference, including steps to fulfill the commitment of the United States and to encourage other nations to increase their participation in efforts to improve the food security of the poorest portion of the world's population. 7 USC 1691a note. Report to Congress.

AMENDMENT TO FARMER-TO-FARMER PROGRAM

SEC. 214. Section 406 of the Agricultural Trade Development and Assistance Act of 1954 is amended— 7 USC 1736.

(1) by striking out "the Secretary of Agriculture" in subsection (a) and inserting in lieu thereof "the President";

(2) by striking in paragraph (1) of subsection (a) "through existing agencies of the Department of Agriculture";

(3) by amending paragraph (5) of subsection (a) to read as follows:

"(5) to coordinate the program authorized in this section with other foreign assistance activities of the United States;".

TITLE III—DEVELOPMENT ASSISTANCE

POLICY

SEC. 301. Section 102 of the Foreign Assistance Act of 1961 is amended by adding at the end thereof the following new subsections: 22 USC 2151.

"(c) Assistance under this chapter should be used not simply for the purpose of transferring financial resources to developing countries, but to help countries solve development problems in accordance with a strategy that aims to increase substantially the participation of the poor. Accordingly, greatest emphasis shall be placed on countries and activities which effectively involve the poor in development, by expanding their access to the economy through services and institutions at the local level, increasing labor-intensive production, spreading pro-

ductive investment and services out from major cities to small towns and outlying rural areas, and otherwise providing opportunities for the poor to better their lives through their own effort.

"(d) For the purpose of assuring that development assistance furnished under this chapter is increasingly concentrated in countries which will make effective use of such assistance to help the poor toward a better life (especially such countries which are suffering from the worst and most widespread poverty and are in greatest need of outside assistance), the President shall establish appropriate criteria to assess the commitment and progress of countries in meeting the objectives set forth in subsection (c) of this section and in other sections of this chapter. In establishing such criteria, the President shall specifically take into account their value in assessing the efforts of countries to—

"(1) increase agricultural productivity per unit of land through small-farm labor-intensive agriculture;

"(2) reduce infant mortality;

"(3) control population growth;

"(4) promote greater equality of income distribution, including measures such as more progressive taxation and more equitable returns to small farmers; and

"(5) reduce rates of unemployment and underemployment.

The President shall endeavor to bring about the adoption of similar criteria by international development organizations in which the United States participates. Presentation materials submitted to the Congress with respect to assistance under this chapter, beginning with fiscal year 1977, shall contain detailed information concerning the steps being taken to implement this subsection.".

FOOD AND NUTRITION

22 USC 2151a.

SEC. 302. Section 103 of the Foreign Assistance Act of 1961 is amended—

(1) in subsection (a), by inserting "$618,800,000 for the fiscal year 1976 and $745,000,000 for the fiscal year 1977," immediately after "1975,"; and

(2) by adding at the end thereof the following new subsections:

"(c) Assistance provided under this section shall be used primarily for activities which are specifically designed to increase the productivity and income of the rural poor, through such means as creation and strengthening of local institutions linked to the regional and national levels; organization of a system of financial institutions which provide both savings and credit services to the poor; stimulation of small, labor-intensive enterprises in rural towns; improvement of marketing facilities and systems; expansion of local or small-scale rural infrastructure and utilities such as farm-to-market roads, land improvement, energy, and storage facilities; establishment of more equitable and more secure land tenure arrangements; and creation and strengthening of systems to provide other services and supplies needed by farmers, such as extension, research, training, fertilizer, water, and improved seed, in ways which assure access to them by small farmers.

Foreign currencies, use.
7 USC 1691 note.

"(d) Foreign currency proceeds from sales of commodities provided under the Agricultural Trade Development and Assistance Act of 1954 which are owned by foreign governments shall be used whenever practicable to carry out the provisions of this section.

"(e) In order to carry out the purposes of this section, the President is authorized to participate in and provide, on such terms and conditions as he may determine, up to $200,000,000 to the International Fund

for Agricultural Development. There is authorized to be appropriated to the President without fiscal year limitation $200,000,000 for such contribution. Appropriation authorization.

"(f) No funds may be obligated to carry out subsection (e) unless—

"(1) satisfactory agreement is reached on the Articles of Agreement for the International Fund for Agricultural Development;

"(2) such Articles of Agreement are reviewed and approved by the Senate Committee on Foreign Relations and the House Committee on International Relations; Articles of Agreement, review and approval by congressional committees.

"(3) all donor commitments to the International Fund for Agricultural Development total at least $1,000,000,000 equivalent in convertible currencies, except that the United States contribution shall be proportionally reduced if this combined goal is not met; and

"(4) there is equitable burden sharing among the different categories of contributors.

"(g) The President shall submit to the Congress full and complete data concerning United States participation in, and operation of, the International Fund for Agricultural Development in the annual presentation materials on proposed economic assistance programs.". Data, submittal to Congress.

AGRICULTURAL RESEARCH

SEC. 303. Chapter 1 of part I of the Foreign Assistance Act of 1961 is amended by adding after section 103 the following new section:

"SEC. 103A. AGRICULTURAL RESEARCH.—Agricultural research carried out under this Act shall (1) take account of the special needs of small farmers in the determination of research priorities, (2) include research on the interrelationships among technology, institutions, and economic, social, and cultural factors affecting small-farm agriculture, and (3) make extensive use of field testing to adapt basic research to local conditions. Special emphasis shall be placed on disseminating research results to the farms on which they can be put to use, and especially on institutional and other arrangements needed to assure that small farmers have effective access to both new and existing improved technology.". 22 USC 2151a-1.

POPULATION PLANNING AND HEALTH

SEC. 304. Section 104 of the Foreign Assistance Act of 1961 is amended— 22 USC 2151b.

(1) by inserting "(a)" immediately before "In":

(2) by inserting "$243,100,000 for the fiscal year 1976 and $275,600,000 for the fiscal year 1977," immediately after "1975,";

(3) by adding at the end thereof the following new sentence: "Not less than 67 percent of the funds made available under this section for any fiscal year shall be used for population planning, either in separate programs or as an element of health programs."; and

(4) by adding at the end thereof the following new subsection:

"(b) Assistance provided under this section shall be used primarily for extension of low-cost, integrated delivery systems to provide health and family planning services, especially to rural areas and to the poorest economic sectors, using paramedical and auxiliary medical personnel, clinics and health posts, commercial distribution systems, and other modes of community outreach; health programs which emphasize disease prevention, environmental sanitation, and health education; and population planning programs which include education in

responsible parenthood and motivational programs, as well as delivery of family planning services and which are coordinated with programs aimed at reducing the infant mortality rate, providing better nutrition to pregnant women and infants, and raising the standard of living of the poor.".

EDUCATION AND HUMAN RESOURCES DEVELOPMENT

22 USC 2151c.

SEC. 305. (a) Section 105 of the Foreign Assistance Act of 1961 is amended—

(1) by inserting "(a)" immediately before "In";

(2) by inserting "$89,200,000 for the fiscal year 1976 and $101,800,000 for the fiscal year 1977," immediately after "1975,"; and

(3) by adding at the end thereof the following new subsections:

"(b) Assistance provided under this section shall be used primarily to expand and strengthen nonformal education methods, especially those designed to improve productive skills of rural families and the urban poor and to provide them with useful information; to increase the relevance of formal education systems to the needs of the poor, especially at the primary level, through reform of curricula, teaching materials, and teaching methods, and improved teacher training; and to strengthen the management capabilities of institutions which enable the poor to participate in development.

"(c) Of the amount authorized to be appropriated by subsection (a), not less than $1,000,000 shall be available to support the southern African student program and the southern African training program, for the purpose of providing educational assistance to Southern Africans.".

TECHNICAL ASSISTANCE, ENERGY, RESEARCH, RECONSTRUCTION, AND SELECTED DEVELOPMENT PROBLEMS; INTERMEDIATE TECHNOLOGY

Repeals.
22 USC 2151d, 2151e, 2201.

SEC. 306. The Foreign Assistance Act of 1961 is amended—

(1) by repealing sections 106, 107, and 241; and

(2) by inserting immediately after section 105 the following new sections:

22 USC 2151d.

"SEC. 106. TECHNICAL ASSISTANCE, ENERGY, RESEARCH, RECONSTRUCTION, AND SELECTED DEVELOPMENT PROBLEMS.—(a) The President is authorized to furnish assistance, on such terms and conditions as he may determine, for the following activities, to the extent that such activities are not authorized by sections 103, 104, and 105 of this Act:

Ante, p. 856.
Supra.

"(1) programs of technical cooperation and development, particularly the development efforts of United States private and voluntary agencies and regional and international development organizations;

"(2) programs to help developing countries alleviate their energy problems by increasing their production and conservation of energy, through such means as research and development of suitable energy sources and conservation methods, collection and analysis of information concerning countries' potential supplies of and needs for energy, and pilot projects to test new methods of production or conservation of energy;

"(3) programs of research into, and evaluation of, the process of economic development in less developed countries and areas, into the factors affecting the relative success and costs of development activities, and into the means, techniques, and such other

aspects of development assistance as the President may determine in order to render such assistance of increasing value and benefit;

"(4) programs of reconstruction following natural or manmade disasters;

"(5) programs designed to help solve special development problems in the poorest countries and to make possible proper utilization of infrastructure and related projects funded with earlier United States assistance; and

"(6) programs of urban development, with particiular emphasis on small, labor intensive enterprises, marketing systems for small producers, and financial and other institutions which enable the urban poor to participate in the economic and social development of their country.

Appropriation authorization.

"(b) There is authorized to be appropriated to the President for the purposes of this section, in addition to funds otherwise available for such purposes, $99,550,000 for the fiscal year 1976 and $104,500,000 for the fiscal year 1977, which amounts are authorized to remain available until expended. Of the amounts made available under this section, not less than $30,000,000 shall be available during the period beginning July 1, 1975, and ending September 30. 1977, only for reimbursement to private voluntary agencies of the United States for costs incurred with respect to the shipment of food and nonfood commodities provided through private donations.

22 USC 2151e.

"SEC. 107. INTERMEDIATE TECHNOLOGY.—Of the funds made available to carry out this chapter for the fiscal years 1976, 1977, and 1978, a total of $20,000,000 may be used for activities in the field of intermediate technology, through grants in support of an expanded and coordinated private effort to promote the development and dissemination of technologies appropriate for developing countries. The Agency for International Development shall prepare a detailed proposal to carry out this section and shall keep the Senate Foreign Relations Committee and the House International Relations Committee fully and currently informed concerning the development of the proposal. The proposal shall be transmitted to these committees no later than March 31, 1976, and shall not be implemented until thirty days after its transmittal or until passage by each committee of a resolution in effect approving its implementation.".

Proposal. Information to congressional committees.

Transmittal to congressional committees.

COST-SHARING

Waiver. 22 USC 2151h.

SEC. 307. Section 110(a) of the Foreign Assistance Act of 1961 is amended by inserting immediately before the period at the end thereof the following: "and except that the President may waive this cost-sharing requirement in the case of a project or activity in a country which the agency primarily responsible for administering part I of this Act determines is relatively least developed based on the United Nations Conference on Trade and Development list of 'relatively least developed countries' ".

DEVELOPMENT AND USE OF COOPERATIVES

22 USC 2151i.

SEC. 308. Section 111 of the Foreign Assistance Act of 1961 is amended to read as follows:

"SEC. 111. DEVELOPMENT AND USE OF COOPERATIVES.—In order to strengthen the participation of the rural and urban poor in their country's development, high priority shall be given to increasing the use of funds made available under this Act for assistance in the development of cooperatives in the less developed countries which will

enable and encourage greater numbers of the poor to help themselves toward a better life. Not less than $20,000,000 of such funds shall be used during the fiscal years 1976 and 1977, including the period from July 1, 1976, through September 30, 1976, only for technical assistance to carry out the purposes of this section.".

INTEGRATING WOMEN INTO NATIONAL ECONOMIES

22 USC 2151k.

SEC. 309. Section 113 of the Foreign Assistance Act of 1961 is amended by striking out "Sections 103 through 107" and inserting in lieu thereof "Part I".

HUMAN RIGHTS AND DEVELOPMENT ASSISTANCE

SEC. 310. Part I of the Foreign Assistance Act of 1961 is amended by inserting immediately after section 115 the following new section:

22 USC 2151n.

"SEC. 116. HUMAN RIGHTS.—(a) No assistance may be provided under this part to the government of any country which engages in a consistent pattern of gross violations of internationally recognized human rights, including torture or cruel, inhuman, or degrading treatment or punishment, prolonged detention without charges, or other flagrant denial of the right to life, liberty, and the security of person, unless such assistance will directly benefit the needy people in such country.

Justification for assistance, submittal to Congress.

"(b) In determining whether this standard is being met with regard to funds allocated under this part, the Committee on Foreign Relations of the Senate or the Committee on International Relations of the House of Representatives may require the Administrator primarily responsible for administering part I of this Act to submit in writing information demonstrating that such assistance will directly benefit the needy people in such country, together with a detailed explanation of the assistance to be provided (including the dollar amounts of such assistance) and an explanation of how such assistance will directly benefit the needy people in such country. If either committee or either House of Congress disagrees with the Administrator's justification it may initiate action to terminate assistance to any country by a concurrent resolution under section 617 of this Act.

22 USC 2367.

"(c) In determining whether or not a government falls within the provisions of subsection (a), consideration shall be given to the extent of cooperation of such government in permitting an unimpeded investigation of alleged violations of internationally recognized human rights by appropriate international organizations, including the International Committee of the Red Cross, or groups or persons acting under the authority of the United Nations or of the Organization of American States.

Report to Speaker of the House and Senate committee.

"(d) The President shall transmit to the Speaker of the House of Representatives and the Committee on Foreign Relations of the Senate, in the annual presentation materials on proposed economic development assistance programs, a full and complete report regarding the steps he has taken to carry out the provisions of this section.".

DEVELOPMENT ASSISTANCE

SEC. 311. Chapter 2 of part I of the Foreign Assistance Act of 1961 is amended—

22 USC 2169.

(1) by amending section 209(c) to read as follows:

"(c) It is the sense of the Congress that the President should increase, to the extent practicable, the funds provided by the United States to multilateral lending institutions and multilateral organiza-

tions in which the United States participates for use by such institutions and organizations in making loans to foreign countries.";

(2) by amending section 214— 22 USC 2174.

(A) in subsection (c), by inserting "and for each of the fiscal years 1976 and 1977, $25,000,000," immediately after "$19,000,000,"; and

(B) in subsection (d), by inserting "and for each of the fiscal years 1976 and 1977, $7,000,000," immediately after "$6,500,000";

(3) in section 221, by striking out "$355,000,000" and inserting in lieu thereof "$430,000,000"; 22 USC 2181.

(4) in section 222(c), by striking out "$550,000,000" and inserting in lieu thereof "$600,000,000"; and 22 USC 2182.

(5) in section 223— 22 USC 2183.

(A) by striking out "June 30, 1976" in subsection (i) and inserting in lieu thereof "September 30, 1978"; and

(B) by adding at the end thereof the following new subsection: Housing guaranties.

"(j) Guaranties shall be issued under sections 221 and 222 only for housing projects which (1) except for regional projects, are in countries which are receiving, or which in the previous two fiscal years have received, development assistance under chapter 1 of part I of this Act, (2) are coordinated with and complementary to such assistance, and (3) are specifically designed to demonstrate the feasibility and suitability of particular kinds of housing or of financial or other institutional arrangements. Of the aggregate face value of housing guaranties hereafter issued under this title, not less than 90 per centum shall be issued for housing suitable for families with income below the median income (below the median urban income for housing in urban areas) in the country in which the housing is located. The face value of guaranties issued with respect to housing in any country shall not exceed $25,000,000 in any fiscal year, and the average face value of guaranties issued in any fiscal year shall not exceed $15,000,000. Notwithstanding the provisions of the first sentence of this subsection, the President is authorized to issue housing guaranties until September 30, 1977, as follows: In Israel, not exceeding a face amount of $50,000,000, and in Portugal, not exceeding a face amount of $20,000,000.". 22 USC 2151. Israel and Portugal.

FAMINE PREVENTION

SEC. 312. Chapter 2 of part I of the Foreign Assistance Act of 1961 is amended by adding at the end thereof the following new title:

"TITLE XII—FAMINE PREVENTION AND FREEDOM FROM HUNGER

"SEC. 296. GENERAL PROVISIONS.—(a) The Congress declares that, in order to prevent famine and establish freedom from hunger, the United States should strengthen the capacities of the United States land-grant and other eligible universities in program-related agricultural institutional development and research, consistent with sections 103 and 103A, should improve their participation in the United States Government's international efforts to apply more effective agricultural sciences to the goal of increasing world food production, and in general should provide increased and longer term support to the application of science to solving food and nutrition problems of the developing countries. 22 USC 2220a. 22 USC 2151a. *Ante*, p. 857.

Land-grant universities.

"The Congress so declares because it finds—

"(1) that the establishment, endowment, and continuing support of land-grant universities in the United States by Federal, State, and county governments has led to agricultural progress in this country;

"(2) that land-grant and other universities in the United States have demonstrated over many years their ability to cooperate with foreign agricultural institutions in expanding indigenous food production for both domestic and international markets;

"(3) that, in a world of growing population with rising expectations, increased food production and improved distribution, storage, and marketing in the developing countries is necessary not only to prevent hunger but to build the economic base for growth, and moreover, that the greatest potential for increasing world food supplies is in the developing countries where the gap between food need and food supply is the greatest and current yields are lowest;

"(4) that increasing and making more secure the supply of food is of greatest benefit to the poorest majority in the developing world;

"(5) that research, teaching, and extension activities, and appropriate institutional development therefor are prime factors in increasing agricultural production abroad (as well as in the United States) and in improving food distribution, storage, and marketing;

"(6) moreover, that agricultural research abroad has in the past and will continue in the future to provide benefits for agriculture in the United States and that increasing the availability of food of higher nutritional quality is of benefit to all; and

"(7) that universities need a dependable source of Federal funding, as well as other financing, in order to expand, or in some cases to continue, their efforts to assist in increasing agricultural production in developing countries.

"(b) Accordingly, the Congress declares that, in order to prevent famine and establish freedom from hunger, various components must be brought together in order to increase world food production, including—

"(1) strengthening the capabilities of universities to assist in increasing agricultural production in developing countries;

"(2) institution-building programs for development of national and regional agricultural research and extension capacities in developing countries which need assistance;

"(3) international agricultural research centers;

"(4) contract research; and

"(5) research program grants.

"(c) The United States should—

"(1) effectively involve the United States land-grant and other eligible universities more extensively in each component;

"(2) provide mechanisms for the universities to participate and advise in the planning, development, implementation, and administration of each component; and

"(3) assist such universities in cooperative joint efforts with—

"(A) agricultural institutions in developing nations, and

"(B) regional and international agricultural research centers,

directed to strengthening their joint and respective capabilities and to engage them more effectively in research, teaching, and extension activities for solving problems in food production, distribution, storage, marketing, and consumption in agriculturally underdeveloped nations.

"(d) As used in this title, the term 'universities' means those colleges or universities in each State, territory, or possession of the United States, or the District of Columbia, now receiving, or which may hereafter receive, benefits under the Act of July 2, 1862 (known as the First Morrill Act), or the Act of August 30, 1890 (known as the Second Morrill Act), which are commonly known as 'land-grant' universities; institutions now designated or which may hereafter be designated as sea-grant colleges under the Act of October 15, 1966 (known as the National Sea Grant College and Program Act), which are commonly known as sea-grant colleges; and other United States colleges and universities which— "Universities." 7 USC 301. 7 USC 321. 33 USC 1121 note.

"(1) have demonstrable capacity in teaching, research, and extension activities in the agricultural sciences; and

"(2) can contribute effectively to the attainment of the objectives of this title.

"(e) As used in this title, the term 'Administrator' means the Administrator of the Agency for International Development. Definitions.

"(f) As used in this title, the term 'agriculture' shall be considered to include aquaculture and fisheries.

"(g) As used in this title, the term 'farmers' shall be considered to include fishermen and other persons employed in cultivating and harvesting food resources from salt and fresh waters.

"SEC. 297. GENERAL AUTHORITY.—(a) To carry out the purposes of this title, the President is authorized to provide assistance on such terms and conditions as he shall determine— 22 USC 2220b.

"(1) to strengthen the capabilities of universities in teaching, research, and extension work to enable them to implement current programs authorized by paragraphs (2), (3), (4), and (5) of this subsection, and those proposed in the report required by section 300 of this title;

"(2) to build and strengthen the institutional capacity and human resource skills of agriculturally developing countries so that these countries may participate more fully in the international agricultural problem-solving effort and to introduce and adapt new solutions to local circumstances;

"(3) to provide program support for long-term collaborative university research on food production, distribution, storage, marketing, and consumption;

"(4) to involve universities more fully in the international network of agricultural science, including the international research centers, the activities of international organizations such as the United Nations Development Program and the Food and Agriculture Organization, and the institutions of agriculturally developing nations; and

"(5) to provide program support for international agricultural research centers, to provide support for research projects identified for specific problem-solving needs, and to develop and strengthen national research systems in the developing countries.

"(b) Programs under this title shall be carried out so as to—

"(1) utilize and strengthen the capabilities of universities in—

"(A) developing capacity in the cooperating nation for classroom teaching in agriculture, plant and animal sciences,

human nutrition, and vocational and domestic arts and other relevant fields appropriate to local needs;

"(B) agricultural research to be conducted in the cooperating nations, at international agricultural research centers, or in the United States;

"(C) the planning, initiation, and development of extension services through which information concerning agriculture and related subjects will be made available directly to farmers and farm families in the agriculturally developing nations by means of education and demonstration; or

"(D) the exchange of educators, scientists, and students for the purpose of assisting in successful development in the cooperating nations;

"(2) take into account the value to United States agriculture of such programs, integrating to the extent practicable the programs and financing authorized under this title with those supported by other Federal or State resources so as to maximize the contribution to the development of agriculture in the United States and in agriculturally developing nations; and

"(3) whenever practicable, build on existing programs and institutions including those of the universities and the United States Department of Agriculture and the United States Department of Commerce.

"(c) To the maximum extent practicable, activities under this section shall (1) be designed to achieve the most effective interrelationship among the teaching of agricultural sciences, research, and extension work, (2) focus primarily on the needs of agricultural producers, (3) be adapted to local circumstances, and (4) be carried out within the developing countries.

"(d) The President shall exercise his authority under this section through the Administrator.

Establishment.
22 USC 2220c.
Membership.

"SEC. 298. BOARD FOR INTERNATIONAL FOOD AND AGRICULTURAL DEVELOPMENT.—(a) To assist in the administration of the programs authorized by this title, the President shall establish a permanent Board for International Food and Agricultural Development (hereafter in this title referred to as the 'Board') consisting of seven members, not less than four to be selected from the universities. Terms of members shall be set by the President at the time of appointment.

Term.
Expenses.

Members of the Board shall be entitled to such reimbursement for expenses incurred in the performance of their duties (including per diem in lieu of subsistence while away from their homes or regular place of business) as the President deems appropriate.

"(b) The Board's general areas of responsibility shall include, but not be limited to—

"(1) participating in the planning, development, and implementation of,

"(2) initiating recommendations for, and

"(3) monitoring of,

the activities described in section 297 of this title.

"(c) The Board's duties shall include, but not necessarily be limited to—

"(1) participating in the formulation of basic policy, procedures, and criteria for project proposal review, selection, and monitoring;

"(2) developing and keeping current a roster of universities—

"(A) interested in exploring their potential for collaborative relationships with agricultural institutions, and with

scientists working on significant programs designed to increase food production in developing countries,

"(B) having capacity in the agricultural sciences,

"(C) able to maintain an appropriate balance of teaching, research, and extension functions,

"(D) having capacity, experience, and commitment with respect to international agricultural efforts, and

"(E) able to contribute to solving the problems addressed by this title;

"(3) recommending which developing nations could benefit from programs carried out under this title, and identifying those nations which have an interest in establishing or developing agricultural institutions which engage in teaching, research, or extension activities;

"(4) reviewing and evaluating memorandums of understanding or other documents that detail the terms and conditions between the Administrator and universities participating in programs under this title;

"(5) reviewing and evaluating agreements and activities authorized by this title and undertaken by universities to assure compliance with the purposes of this title;

"(6) recommending to the Administrator the apportionment of funds under section 297 of this title; and

"(7) assessing the impact of programs carried out under this title in solving agricultural problems in the developing nations.

"(d) The President may authorize the Board to create such subordinate units as may be necessary for the performance of its duties, including but not limited to the following:

"(1) a Joint Research Committee to participate in the administration and development of the collaborative activities described in section 297(a)(3) of this title; and

"(2) a Joint Committee on Country Programs which shall assist in the implementation of the bilateral activities described in sections 297(a)(2), 297(a)(4), and 297(a)(5).

"(e) In addition to any other functions assigned to and agreed to by the Board, the Board shall be consulted in the preparation of the annual report required by section 300 of this title and on other agricultural development activities related to programs under this title.

"SEC. 299. AUTHORIZATION.—(a) The President is authorized to use any of the funds hereafter made available under section 103 of this Act to carry out the purposes of this title. Funds made available for such purposes may be used without regard to the provisions of sections 110(b), 211(a), and 211(d) of this Act. 22 USC 2220d. 22 USC 2151a. 22 USC 2151h, 2171.

"(b) Foreign currencies owned by the United States and determined by the Secretary of the Treasury to be excess to the needs of the United States shall be used to the maximum extent possible in lieu of dollars in carrying out the provisions of this title. Foreign currencies, use.

"(c) Assistance authorized under this title shall be in addition to any allotments or grants that may be made under other authorizations.

"(d) Universities may accept and expend funds from other sources, public and private, in order to carry out the purposes of this title. All such funds, both prospective and inhand, shall be periodically disclosed to the Administrator as he shall by regulation require, but no less often than in an annual report.

Presidential report to Congress.
22 USC 2220e.

"SEC. 300. ANNUAL REPORT.—The President shall transmit to the Congress, not later than April 1 of each year, a report detailing the activities carried out pursuant to this title during the preceding fiscal year and containing a projection of programs and activities to be conducted during the subsequent five fiscal years. Each report shall contain a summary of the activities of the Board established pursuant to section 298 of this title and may include the separate views of the Board with respect to any aspect of the programs conducted or proposed to be conducted under this title.".

INTERNATIONAL ORGANIZATIONS AND PROGRAMS

22 USC 2222.

SEC. 313. (a) Section 302 of the Foreign Assistance Act of 1961 is amended—

(1) in subsection (a), by (A) inserting immediately before the period ", and for the fiscal year 1976, $194,500,000 and for the fiscal year 1977, $219,900,000. Of such amounts, not to exceed $250,000 during the fiscal year 1976 shall be available for contribution to the Namibia Institute", (B) inserting "(1)" immediately after "(a)" and (C) adding at the end of the subsection the following new paragraph:

"(2) The Congress reaffirms its support for the work of the Inter-American Commission on Human Rights. To permit such Commission to better fulfill its function of insuring observance and respect for human rights within this hemisphere, not less than $357,000 of the amount appropriated for fiscal year 1976 and $358,000 of the amount appropriated for fiscal year 1977, for contributions to the Organization of American States, shall be used only for budgetary support for the Inter-American Commission on Human Rights.";

(2) in subsection (b)(1), by striking out "$51,220,000" and inserting in lieu thereof "$61,220,000";

(3) in subsection (b)(2), by inserting "and for use beginning in the fiscal year 1976, $27,000,000," immediately after "fiscal year 1975, $14,500,000,"; and

(4) in subsection (d) by striking out "1974 and 1975, $18,000,000" and inserting in lieu thereof "1976 and 1977, $20,000,000".

22 USC 2225.

(b) Section 54 of the Foreign Assistance Act of 1974 is amended by striking out "part III" and inserting in lieu thereof "part I".

22 USC 2221.

(c) Section 301 of the Foreign Assistance Act of 1961 is amended by adding at the end thereof the following new subsection:

"(f) The President is hereby authorized to permit United States participation in the International Fertilizer Development Center and is authorized to use any of the funds made available under this part for the purpose of furnishing assistance to the Center on such terms and conditions as he may determine.".

ASSISTANCE TO FORMER PORTUGUESE COLONIES IN AFRICA

22 USC 2293.

SEC. 314. Section 496 of the Foreign Assistance Act of 1961 is amended—

(1) by inserting "(a)" immediately after the section caption;

(2) by striking out "$5,000,000" and inserting in lieu thereof "$7,750,000";

(3) by striking out "$20,000,000" and inserting in lieu thereof "$17,250,000"; and

(4) by adding at the end thereof the following new subsections:

Cape Verde Islands loan, forgiveness of liability.

"(b) Notwithstanding the provisions of section 620(r) of this Act, the United States is authorized to forgive the liability incurred by the Government of the Cape Verde Islands for the repayment of a $3,000,000 loan on June 30, 1975. 22 USC 2370.

"(c) The President is authorized to use up to $30,000,000 of the funds made available under this part for the fiscal year 1976, in addition to funds otherwise available for such purposes, to provide development assistance in accordance with chapter 1 or relief and rehabilitation assistance in accordance with chapter 9 (including assistance through international or private voluntary organizations) to countries and colonies in Africa which were, prior to April 25, 1974, colonies of Portugal.". 22 USC 2151 *et seq.* 22 USC 2292 *et seq.*

FURNISHING OF SERVICES AND COMMODITIES

SEC. 315. Section 607(a) of the Foreign Assistance Act is amended by deleting the second full sentence, and inserting in lieu thereof the following: "Such advances or reimbursements may be credited to the currently applicable appropriation, account, or fund of the agency concerned and shall be available for the purposes for which such appropriation, account, or fund is authorized to be used, under the following circumstances: 22 USC 2357.

"(1) Advances or reimbursements which are received under this section within one hundred and eighty days after the close of the fiscal year in which such services and commodities are delivered.

"(2) Advances or reimbursements received pursuant to agreements executed under this section in which reimbursement will not be completed within one hundred and eighty days after the close of the fiscal year in which such services and commodities are delivered: *Provided*, That such agreements require the payment of interest at the current rate established pursuant to section 2(b)(1)(B) of the Export-Import Bank Act of 1945 (59 Stat. 526), and repayment of such principal and interest does not exceed a period of three years from the date of signing of the agreement to provide the service: *Provided further*, That funds available for this paragraph in any fiscal year shall not exceed $1,000,000 of the total funds authorized for use in such fiscal year by chapter 1 of part I of this Act, and shall be available only to the extent provided in appropriation Acts. Interest shall accrue as of the date of disbursement to the agency or organization providing such services.". 12 USC 635 note.

SUPPORT OF REIMBURSABLE DEVELOPMENT PROGRAMS

SEC. 316. Section 661 of the Foreign Assistance Act of 1961 is amended by striking out "in each of the fiscal years 1975 and 1976" and inserting in lieu thereof "in the fiscal year 1975, $2,000,000 in the fiscal year 1976, and $2,000,000 in the fiscal year 1977,". 22 USC 2421.

TRANSITION PROVISIONS FOR INTERIM QUARTER

SEC. 317. Part III of the Foreign Assistance Act of 1961 is amended by adding at the end thereof the following new section:

"SEC. 665. TRANSITION PROVISIONS FOR INTERIM QUARTER.—There are authorized to be appropriated for the period July 1, 1976, through September 30, 1976, such amounts as may be necessary to conduct programs and activities for which funding was authorized for fiscal year 22 USC 2425.

22 USC 2151 note.

1976 by the International Development and Food Assistance Act of 1975, in accordance with the provisions applicable to such programs and activities for such fiscal year, except that the total amount appropriated for such period shall not exceed one-fourth of the total amount authorized to be appropriated for the fiscal year 1976 for such programs and activities.".

DISCRIMINATION AGAINST UNITED STATES PERSONNEL

SEC. 318. Part III of the Foreign Assistance Act of 1961 is amended by adding at the end thereof the following new section:

22 USC 2426.

"SEC. 666. DISCRIMINATION AGAINST UNITED STATES PERSONNEL.—(a) The President shall not take into account, in assigning officers and employees of the United States to carry out any economic development assistance programs funded under this Act in any foreign country, the race, religion, national origin, or sex of any such officer or employee. Such assignments shall be made solely on the basis of ability and relevant experience.

"(b) Effective six months after the date of enactment of the International Development and Food Assistance Act of 1975, or on such earlier date as the President may determine, none of the funds made available under this Act may be used to provide economic development assistance to any country which objects to the presence of any officer or employee of the United States who is present in such country for the purpose of carrying out any program of economic development assistance authorized by the provisions of this Act on the basis of the race, religion, national origin, or sex of such officer or employee.

Rules and regulations.

"(c) The Secretary of State shall promulgate such rules and regulations as he may deem necessary to carry out the provisions of this section.".

OPERATING EXPENSES

SEC. 319. Part III of the Foreign Assistance Act of 1961 is amended by adding at the end thereof the following new section:

22 USC 2427.

"SEC. 667. OPERATING EXPENSES.—Nothing in this Act is intended to preclude the Committees on Appropriations, in appropriation legislation, from setting a ceiling on operating expenses of the agency

22 USC 2151.

primarily responsible for administering part I and limiting the availability of other sums therefor.".

LIMITATION ON ASSISTANCE TO CHILE

SEC. 320. Notwithstanding any other provision of law, the total amount of economic assistance (including but not limited to housing guaranties and sales under title I of the Agricultural Trade Development and Assistance Act of 1954) that may be made available to Chile

7 USC 1701.

may not exceed $90,000,000 during the fiscal year 1976.

SETTLEMENT OF DEBT OWED THE UNITED STATES

22 USC 2220a note.

SEC. 321. No debt owed to the United States by any foreign country with respect to the payment of any loan made under any program funded under this Act may be settled in an amount less than the full amount of such debt unless the Congress by concurrent resolution approves of such settlement.

PARTICIPATION BY OTHER COUNTRIES IN PROVIDING ASSISTANCE TO ISRAEL OR EGYPT

SEC. 322. It is the sense of the Senate that the President should attempt to negotiate an equitable share of participation by the countries of Western Europe, Japan, and the United Nations in providing assistance to Israel or Egypt.

Approved December 20, 1975.

LEGISLATIVE HISTORY:

HOUSE REPORTS: No. 94-442 (Comm. on International Relations) and No. 94-691 (Comm. of Conference).
SENATE REPORTS: No. 94-406 (Comm. on Foreign Relations) and No. 94-434 (Comm. on Agriculture and Forestry).
CONGRESSIONAL RECORD, Vol. 121 (1975):
Sept. 10, considered and passed House.
Nov. 3-5, considered and passed Senate, amended.
Dec. 4, Senate agreed to conference report.
Dec. 9, House agreed to conference report.

Public Law 94–162
94th Congress

An Act

Dec. 20, 1975
[H.R. 9883]

To amend the Joint Resolution approved December 28, 1973, providing for the establishment of the Lyndon Baines Johnson Memorial Grove on the Potomac, and for other purposes.

Lyndon Baines Johnson Memorial Grove on the Potomac, development authorization.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 3 of the joint resolution approved December 28, 1973 (87 Stat. 909), providing for the establishment of the Lyndon Baines Johnson Memorial Grove on the Potomac, is amended by changing the period in the last sentence to a comma and inserting the following thereafter: "except that this provision shall not apply to the development, hereby authorized, of improvements to federally owned land that will facilitate or enhance the pedestrian and vehicular access to the memorial: *Provided, however*, That in no event shall Federal expenditures for such development exceed $1,000,000."

Approved December 20, 1975.

LEGISLATIVE HISTORY:

HOUSE REPORT No. 94–684 (Comm. on Interior and Insular Affairs).
SENATE REPORT No. 94–530 (Comm. on Rules and Administration).
CONGRESSIONAL RECORD, Vol. 121 (1975):
Dec. 1, considered and passed House.
Dec. 11, considered and passed Senate.

Public Law 94-163
94th Congress

An Act

To increase domestic energy supplies and availability; to restrain energy demand; to prepare for energy emergencies; and for other purposes.

Dec. 22, 1975
[S. 622]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Energy Policy and Conservation Act".

Energy Policy and Conservation Act.
42 USC 6201 note.

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STATEMENT OF PURPOSES

42 USC 6201.

SEC. 2. The purposes of this Act are—

(1) to grant specific standby authority to the President, subject to congressional review, to impose rationing, to reduce demand for energy through the implementation of energy conservation plans, and to fulfill obligations of the United States under the international energy program;

(2) to provide for the creation of a Strategic Petroleum Reserve capable of reducing the impact of severe energy supply interruptions;

(3) to increase the supply of fossil fuels in the United States, through price incentives and production requirements;

(4) to conserve energy supplies through energy conservation programs, and, where necessary, the regulation of certain energy uses;

(5) to provide for improved energy efficiency of motor vehicles, major appliances, and certain other consumer products;

(6) to reduce the demand for petroleum products and natural gas through programs designed to provide greater availability and use of this Nation's abundant coal resources; and

(7) to provide a means for verification of energy data to assure the reliability of energy data.

DEFINITIONS

42 USC 6202.

SEC. 3. As used in this Act:

(1) The term "Administrator" means the Administrator of the Federal Energy Administration.

(2) The term "person" includes (A) any individual, (B) any corporation, company, association, firm, partnership, society, trust, joint venture, or joint stock company, and (C) the government and any agency of the United States or any State or political subdivision thereof.

(3) The term "petroleum product" means crude oil, residual fuel oil, or any refined petroleum product (including any natural liquid and any natural gas liquid product).

(4) The term "State" means a State, the District of Columbia, Puerto Rico, or any territory or possession of the United States.

(5) The term "United States" when used in the geographical sense means all of the States and the Outer Continental Shelf.

(6) The term "Outer Continental Shelf" has the same meaning as such term has under section 2 of the Outer Continental Shelf Lands Act (43 U.S.C. 1331).

(7) The term "international energy program" means the Agreement on an International Energy Program, signed by the United States on November 18, 1974, including (A) the annex entitled "Emergency Reserves", (B) any amendment to such Agreement which includes another nation as a party to such Agreement, and (C) any technical or clerical amendment to such Agreement.

(8) The term "severe energy supply interruption" means a national energy supply shortage which the President determines—

(A) is, or is likely to be, of significant scope and duration, and of an emergency nature;

(B) may cause major adverse impact on national safety or the national economy; and

(C) results, or is likely to result, from an interruption in the supply of imported petroleum products, or from sabotage or an act of God.

(9) The term "antitrust laws" includes—

(A) the Act entitled "An Act to protect trade and commerce against unlawful restraints and monopolies", approved July 2, 1890 (15 U.S.C. 1, et seq.);

(B) the Act entitled "An Act to supplement existing laws against unlawful restraints and monopolies, and for other purposes", approved October 15, 1914 (15 U.S.C. 12, et seq.);

(C) the Federal Trade Commission Act (15 U.S.C. 41, et seq.);

(D) sections 73 and 74 of the Act entitled "An Act to reduce taxation, to provide revenue for the Government, and for other purpose", approved August 27, 1894 (15 U.S.C. 8 and 9); and

(E) the Act of June 19, 1936, chapter 592 (15 U.S.C. 13, 13a, 13b, and 21A).

(10) The term "Federal land" means all lands owned or controlled by the United States, including the Outer Continental Shelf, and any land in which the United States has reserved mineral interests, except lands—

(A) held in trust for Indians or Alaska Natives,

(B) owned by Indians or Alaska Natives with Federal restrictions on the title,

(C) within any area of the National Park System, the National Wildlife Refuge System, the National Wilderness Preservation System, the National System of Trails, or the Wild and Scenic Rivers System, or

(D) within military reservations.

TITLE I—MATTERS RELATED TO DOMESTIC SUPPLY AVAILABILITY

PART A—DOMESTIC SUPPLY

COAL CONVERSION

SEC. 101. (a) Section 2(f) of the Energy Supply and Environmental Coordination Act of 1974 is amended— 15 USC 792.

(1) in paragraph (1) thereof, by striking out "June 30, 1975" and inserting in lieu thereof "June 30, 1977", and by striking out "January 1, 1979" and inserting in lieu thereof "January 1, 1985"; and

(2) in paragraph (2) thereof, by striking out "December 31, 1978" and inserting in lieu thereof "December 31, 1984", and by striking out "January 1, 1979" and inserting in lieu thereof "January 1, 1985".

(b) Section 2(a) of such Act is amended to read as follows:

"(a) The Federal Energy Administrator—

"(1) shall, by order, prohibit any powerplant, and

"(2) may, by order, prohibit any major fuel burning installation, other than a powerplant,

from burning natural gas or petroleum products as its primary energy source, if the requirements of subsection (b) are met and if (A) the Federal Energy Administrator determines such powerplant or installation on June 22, 1974, had, or thereafter acquires or is designed with, the capability and necessary plant equipment to burn coal, or (B) such powerplant or installation is required to meet a design or construction requirement under subsection (c)."

(c) Section 2(c) of such Act is amended by inserting "or other major fuel burning installation" after "powerplant" wherever it appears and by inserting "in the case of a powerplant" after "(1)" in the second sentence.

INCENTIVES TO DEVELOP UNDERGROUND COAL MINES

Loan guarantees.
42 USC 6211.

SEC. 102. (a) The Administrator may, in accordance with subsection (b) and rules prescribed under subsection (d), guarantee loans made to eligible persons described in subsection (c)(1) for the purpose of developing new underground coal mines.

(b)(1) A person may receive for a loan guarantee under subsection (a) only if the Administrator determines that—

(A) such person is capable of successfully developing and operating the mine with respect to which the loan guarantee is sought;

(B) such person has provided adequate assurance that the mine will be constructed and operated in compliance with the provisions of the Federal Coal Mine Health and Safety Act and that no final judgment holding such person liable for any fine or penalty under such Act is unsatisfied;

30 USC 801 note.

(C) there is a reasonable prospect of repayment of the guaranteed loan;

(D) such person has obtained a contract, of at least the duration of the period during which the loan is required to be repaid, for the sale or resale of coal to be produced from such mine to a person who the Administrator of the Environmental Protection Agency certifies will be able to burn such coal in compliance with all applicable requirements of the Clean Air Act, and of any applicable implementation plan (as defined in section 110 of such Act);

42 USC 1857 note.
42 USC 1857c-5.

(E) the loan will be adequately secured;

(F) such person would be unable to obtain adequate financing without such guarantee;

(G) the guaranteeing of a loan to such person will enhance competition or encourage new market entry; and

(H) such person has adequate coal reserves to cover contractual commitments described in subparagraph (D).

Limitation.

(2) The total amount of guarantees issued to any person (including all persons affiliated with such person) may not exceed $30,000,000. The amount of a guarantee issued with respect to any loan may not exceed 80 percent of the lesser of (A) the principal balance of the loan or, (B) the cost of developing such new underground coal mine.

(3) The aggregate outstanding principal amount of loans which are guaranteed under this section may not at any time exceed $750,000,000. Not more than 20 percent of the amount of guarantees issued under this section in any fiscal year may be issued with respect to loans for the purpose of opening new underground coal mines which produce coal which is not low sulfur coal.

(c) For purposes of this section—

(1) A person shall be considered eligible for a guarantee under this section if such person (together with all persons affiliated with such person)—

(A) did not produce more than 1,000,000 tons of coal in the calendar year preceding the year in which he makes application for a loan guarantee under this section;

(B) did not produce more than 300,000 barrels of crude oil or own an oil refinery in such preceding calendar year; and

(C) did not have gross revenues in excess of $50,000,000 in such calendar year.

(2) A person is affiliated with another person if he controls, is controlled by, or is under common control with such other person, as such term may be further defined by rule by the Administrator.

(3) The term "low sulfur coal" means coal which, in a quantity necessary to produce one million British thermal units, does not contain sulfur or sulfur compounds the elemental sulfur content of which exceeds 0.6 pound. Sulfur content shall be determined after the application of any coal preparation process which takes place before sale of the coal by the producer. "Low sulfur coal."

(d) The Administrator shall prescribe such regulations as may be necessary or appropriate to carry out this section. Such rules shall require that each application for a guarantee under this section shall be made in writing to the Administrator in such form and with such content and other submissions as the Administrator shall require, in order reasonably to protect the interests of the United States. Each guarantee shall be issued in accordance with subsections (a) through (c), and— Regulations.

(1) under such terms and conditions as the Administrator, in consultation with the Secretary of the Treasury, considers appropriate;

(2) with such provisions with respect to the date of issue of such guarantee as the Administrator, with the concurrence of the Secretary of the Treasury, considers appropriate, except that the required concurrence of the Secretary of the Treasury may not, without the consent of the Administrator, result in a delay in the issuance of such guarantee for more than 60 days; and

(3) in such form as the Administrator considers appropriate.

(e) Each person who receives a loan guarantee under this section shall keep such records as the Administrator or the Secretary of the Treasury shall require, including records which fully disclose the total cost of the project for which a loan is guaranteed under this section and such other records as the Administrator or the Secretary of the Treasury determines necessary to facilitate an effective audit and performance evaluation. The Administrator, the Secretary of the Treasury, and the Comptroller General of the United States, or any of their duly authorized representatives, shall have access for the purpose of audit and examination to any pertinent books, documents, papers, and records of any person who receives a loan guarantee under this section. Recordkeeping. Access and audit.

DOMESTIC USE OF ENERGY SUPPLIES AND RELATED MATERIALS AND EQUIPMENT

SEC. 103. (a) The President may, by rule, under such terms and conditions as he determines to be appropriate and necessary to carry out the purposes of this Act, restrict exports of— Export restrictions. 42 USC 6212.

(1) coal, petroleum products, natural gas, or petrochemical feedstocks, and

(2) supplies of materials or equipment which he determines to be necessary (A) to maintain or further exploration, production, refining, or transportation of energy supplies, or (B) for the construction or maintenance of energy facilities within the United States.

(b)(1) The President shall exercise the authority provided for in subsection (a) to promulgate a rule prohibiting the export of crude oil and natural gas produced in the United States, except that the President may, pursuant to paragraph (2), exempt from such prohibition such crude oil or natural gas exports which he determines to be consistent with the national interest and the purposes of this Act. Exemption.

(2) Exemptions from any rule prohibiting crude oil or natural gas exports shall be included in such rule or provided for in an amendment thereto and may be based on the purpose for export, class of seller or purchaser, country of destination, or any other reasonable classification or basis as the President determines to be appropriate and consistent with the national interest and the purposes of this Act.

(c) In order to implement any rule promulgated under subsection (a) of this section, the President may request and, if so, the Secretary of Commerce shall, pursuant to the procedures established by the Export Administration Act of 1969 (but without regard to the phrase "and to reduce the serious inflationary impact of foreign demand" in section 3(2)(A) of such Act), impose such restrictions as specified in any rule under subsection (a) on exports of coal, petroleum products, natural gas, or petrochemical feedstocks, and such supplies of materials and equipment.

50 USC app. 2401 note.
50 USC app. 2402.

(d) Any finding by the President pursuant to subsection (a) or (b) and any action taken by the Secretary of Commerce pursuant thereto shall take into account the national interest as related to the need to leave uninterrupted or unimpaired—

(1) exchanges in similar quantity for convenience or increased efficiency of transportation with persons or the government of a foreign state,

(2) temporary exports for convenience or increased efficiency of transportation across parts of an adjacent foreign state which exports reenter the United States, and

(3) the historical trading relations of the United States with Canada and Mexico.

Waiver.
5 USC 551.

(e)(1) The provisions of subchapter II of chapter 5 of title 5, United States Code, shall apply with respect to the promulgation of any rule pursuant to this section, except that the President may waive the requirement pertaining to the notice of proposed rulemaking or period for comment only if he finds that compliance with such requirements may seriously impair his ability to impose effective and timely prohibitions on exports.

(2) In the event such notice and comment period are waived with respect to a rule promulgated under this section, the President shall afford interested persons an opportunity to comment on any such rule at the earliest practicable date thereafter.

(3) If the President determines to request the Secretary of Commerce to impose specified restrictions as provided for in subsection (c), the enforcement and penalty provisions of the Export Administration Act of 1969 shall apply, in lieu of this Act, to any violation of such restrictions.

Quarterly report to Congress.

(f) The President shall submit quarterly reports to the Congress concerning the administration of this section and any findings made pursuant to subsection (a) or (b).

MATERIALS ALLOCATION

50 USC app. 2071.

SEC. 104. (a) Section 101 of the Defense Production Act of 1950 is amended by adding at the end thereof the following new subsection:

"(c)(1) Notwithstanding any other provision of this Act, the President may, by rule or order, require the allocation of, or the priority performance under contracts or orders (other than contracts of employment) relating to, supplies of materials and equipment in order to maximize domestic energy supplies if he makes the findings required by paragraph (3) of this subsection.

"(2) The President shall report to the Congress within sixty days after the date of enactment of this subsection on the manner in which the authority contained in paragraph (1) will be administered. This report shall include the manner in which allocations will be made, the procedure for requests and appeals, the criteria for determining priorities as between competing requests, and the office or agency which will administer such authorities. Report to Congress.

"(3) The authority granted in this subsection may not be used to require priority performance of contracts or orders, or to control the distribution of any supplies of materials and equipment in the marketplace, unless the President finds that—

"(A) such supplies are scarce, critical, and essential to maintain or further (i) exploration, production, refining, transportation, or (ii) the conservation of energy supplies, or (iii) for the construction and maintenance of energy facilities; and

"(B) maintenance or furtherance of exploration, production, refining, transportation, or conservation of energy supplies or the construction and maintenance of energy facilities cannot reasonably be accomplished without exercising the authority specified in paragraph (1) of this subsection.

"(4) During any period when the authority conferred by this subsection is being exercised, the President shall take such action as may be appropriate to assure that such authority is being exercised in a manner which assures the coordinated administration of such authority with any priorities or allocations established under subsection (a) of this section and in effect during the same period.".

(b)(1) The authority to issue any rules or orders under section 101(c) of the Defense Production Act of 1950, as amended by this Act, shall expire at midnight December 31, 1984, but such expiration shall not affect any action or pending proceedings, civil or criminal, not finally determined on such date, nor any action or proceeding based upon any act committed prior to such date. 50 USC app. 2071 note. 50 USC app. 2071.

(2) The expiration of the Defense Production Act of 1950 or any amendment of such Act after the date of enactment of this Act shall not affect the authority of the President under section 101(c) of such Act, as amended by subsection (a) of this section and in effect on the date of enactment of this Act, unless Congress by law expressly provides to the contrary. 50 USC app. 2061. *Ante*, p. 878.

PROHIBITION OF CERTAIN LEASE BIDDING ARRANGEMENTS

SEC. 105. (a) The Secretary of the Interior shall, not later than 30 days after the date of enactment of this Act, prescribe and make effective a rule which prohibits the bidding for any right to develop crude oil, natural gas, and natural gas liquids on any lands located on the Outer Continental Shelf by any person if more than one major oil company, more than one affiliate of a major oil company, or a major oil company and any affiliate of a major oil company, has or have a significant ownership interest in such person. Such rule shall define affiliate relationships and significant ownership interests. Rule. 42 USC 6213.

(b) As used in this section:

(1) The term "major oil company" means any person who, individually or together with any other person with respect to which such person has an affiliate relationship or significant ownership interest, produced during a prior 6-month period specified by the Secretary, an average daily volume of 1,600,000 "Major oil company."

barrels of crude oil, natural gas liquids equivalents, and natural gas equivalents.

(2) One barrel of natural gas equivalent equals 5,626 cubic feet of natural gas measured at 14.73 pounds per square inch (MSL) and 60 degrees Fahrenheit.

(3) One barrel of natural gas liquids equivalent equals 1.454 barrels of natural gas liquids at 60 degrees Fahrenheit.

Exemption.

(c) The Secretary may, by amendment to the rule, exempt bidding for leases for lands located in frontier or other areas determined by the Secretary to be extremely high risk lands or to present unusually high cost exploration, or development, problems.

(d) This section shall not be construed to prohibit the unitization of producing fields to increase production or maximize ultimate recovery of oil or natural gas, or both.

Report to Congress.

(e) The Secretary shall study and report to the Congress, not later than 6 months after the date of enactment of this Act, with respect to the feasibility and desirability of extending the prohibition on joint bidding to—

(1) bidding for any right to develop crude oil, natural gas, and natural gas liquids on Federal lands other than those located on the Outer Continental Shelf; and

(2) bidding for any right to develop coal and oil shale on such lands.

PRODUCTION OF OIL OR GAS AT THE MAXIMUM EFFICIENT RATE AND TEMPORARY EMERGENCY PRODUCTION RATE

42 USC 6214.

SEC. 106. (a) (1) The Secretary of the Interior, by rule on the record after an opportunity for a hearing, shall, to the greatest extent practicable, determine the maximum efficient rate of production and, if any, the temporary emergency production rate for each field on Federal lands which produces, or is determined to be capable of producing, significant volumes of crude oil or natural gas, or both.

(2) Except as provided in subsection (f), the President may, by rule or order, require crude oil or natural gas, or both, to be produced from fields on Federal lands designated by him—

(A) at the maximum efficient rate of production, and

(B) during a severe energy supply interruption, at the temporary emergency production rate

as determined pursuant to paragraph (1) for such field.

(b) (1) Each State or the appropriate agency thereof may, for the purposes of this section, pursuant to procedures and standards established by the State, determine the maximum efficient rate of production and, if any, the temporary emergency production rate, for each field (other than a field on Federal lands) within such State which produces, or is determined to be capable of producing, significant volumes of crude oil or natural gas, or both.

(2) If a State or the appropriate agency thereof has determined the maximum efficient rate of production and, if any, the temporary emergency production rate, or both, or their equivalents (however characterized), for any field (other than a field on Federal lands) within such State, the President may, by rule or order, during a severe energy supply interruption, require the production of such fields at the rates of production established by the State.

(c) With respect to any field, which produces, or is determined to be capable of producing, significant volumes of crude oil, or natural gas, or both, which field is unitized and is composed of both Federal lands and lands other than Federal lands and there has been no determina-

tion of the maximum efficient rate of production or the temporary emergency production rate or both, the Secretary of the Interior may, pursuant to subsection (a)(1), determine a maximum efficient rate of production and a temporary emergency production rate, if any, for such field. The President may, during a severe energy supply interruption by rule or order, require production at the maximum efficient rate of production and the temporary emergency production rate, if any, determined for such field.

(d) If loss of ultimate recovery of crude oil or natural gas, or both, occurs or will occur as the result of a rule or order under the authority of this section to produce at the temporary emergency production rate, the owner of any property right who considers himself damaged by such order may bring an action in a United States district court to recover just compensation, which shall be awarded if the court finds that such loss constitutes a taking of property compensable under the Constitution.

(e) As used in this section:

"Maximum efficient rate of production."

(1) The term "maximum efficient rate of production" means the maximum rate of production of crude oil or natural gas, or both, which may be sustained without loss of ultimate recovery of crude oil or natural gas, or both, under sound engineering and economic principles.

"Temporary emergency production rate."

(2) The term "temporary emergency production rate" means the maximum rate of production for a field—

(A) which rate is above the maximum efficient rate of production established for such field; and

(B) which may be maintained for a temporary period of less than 90 days without reservoir damage and without significant loss of ultimate recovery of crude oil or natural gas, or both, from such field.

(f) Nothing in this section shall be construed to authorize the production of crude oil, or natural gas, or both, from any Naval Petroleum Reserve subject to the provisions of chapter 641 of title 10, United States Code.

10 USC 7421 *et seq.*

PART B—STRATEGIC PETROLEUM RESERVE

DECLARATION OF POLICY

42 USC 6231.

SEC. 151. (a) The Congress finds that the storage of substantial quantities of petroleum products will diminish the vulnerability of the United States to the effects of a severe energy supply interruption, and provide limited protection from the short-term consequences of interruptions in supplies of petroleum products.

(b) It is hereby declared to be the policy of the United States to provide for the creation of a Strategic Petroleum Reserve for the storage of up to 1 billion barrels of petroleum products, but not less than 150 million barrels of petroleum products by the end of the 3-year period which begins on the date of enactment of this Act, for the purpose of reducing the impact of disruptions in supplies of petroleum products or to carry out obligations of the United States under the international energy program. It is further declared to be the policy of the United States to provide for the creation of an Early Storage Reserve, as part of the Reserve, for the purpose of providing limited protection from the impact of near-term disruptions in supplies of petroleum products or to carry out obligations of the United States under the international energy program.

DEFINITIONS

42 USC 6232.

SEC. 152. As used in this part:

(1) The term "Early Storage Reserve" means that portion of the Strategic Petroleum Reserve which consists of petroleum products stored pursuant to section 155.

(2) The term "importer" means any person who owns, at the first place of storage, any petroleum product imported into the United States.

(3) The term "Industrial Petroleum Reserve" means that portion of the Strategic Petroleum Reserve which consists of petroleum products owned by importers or refiners and acquired, stored, or maintained pursuant to section 156.

(4) The term "interest in land" means any ownership or possessory right with respect to real property, including ownership in fee, an easement, a leasehold, and any subsurface or mineral rights.

(5) The term "readily available inventories" means stocks and supplies of petroleum products which can be distributed or used without affecting the ability of the importer or refiner to operate at normal capacity; such term does not include minimum working inventories or other unavailable stocks.

(6) The term "refiner" means any person who owns, operates, or controls the operation of any refinery.

(7) The term "Regional Petroleum Reserve" means that portion of the Strategic Petroleum Reserve which consists of petroleum products stored pursuant to section 157.

(8) The term "related facility" means any necessary appurtenance to a storage facility, including pipelines, roadways, reservoirs, and salt brine lines.

(9) The term "Reserve" means the Strategic Petroleum Reserve.

(10) The term "storage facility" means any facility or geological formation which is capable of storing significant quantities of petroleum products.

(11) The term "Strategic Petroleum Reserve" means petroleum products stored in storage facilities pursuant to this part; such term includes the Industrial Petroleum Reserve, the Early Storage Reserve, and the Regional Petroleum Reserve.

STRATEGIC PETROLEUM RESERVE OFFICE

Establishment.
42 USC 6233.

SEC. 153. There is established, in the Federal Energy Administration, a Strategic Petroleum Reserve Office. The Administrator, acting through such Office and in accordance with this part, shall exercise authority over the establishment, management, and maintenance of the Reserve.

STRATEGIC PETROLEUM RESERVE

42 USC 6234.

SEC. 154. (a) A Strategic Petroleum Reserve for the storage of up to 1 billion barrels of petroleum products shall be created pursuant to this part. By the end of the 3-year period which begins on the date of enactment of this Act, the Strategic Petroleum Reserve (or the Early Storage Reserve authorized by section 155, if no Strategic Petroleum Reserve Plan has become effective pursuant to the provisions of section 159(a)) shall contain not less than 150 million barrels of petroleum products.

Plan, transmittal to Congress.
Post, p. 965.

(b) The Administrator, not later than December 15, 1976, shall prepare and transmit to the Congress, in accordance with section 551, a

Strategic Petroleum Reserve Plan. Such Plan shall comply with the provisions of this section and shall detail the Administrator's proposals for designing, constructing, and filling the storage and related facilities of the Reserve.

(c)(1) To the maximum extent practicable and except to the extent that any change in the storage schedule is justified pursuant to subsection (e)(6), the Strategic Petroleum Reserve Plan shall provide that:

(A) within 7 years after the date of enactment of this Act, the volume of crude oil stored in the Reserve shall equal the total volume of crude oil which was imported into the United States during the base period specified in paragraph (2);

(B) within 18 months after the date of enactment of this Act, the volume of crude oil stored in the Reserve shall equal not less than 10 percent of the goal specified in subparagraph (A);

(C) within 3 years after the date of enactment of this Act, the volume of crude oil stored in the Reserve shall equal not less than 25 percent of the goal specified in subparagraph (A); and

(D) within 5 years after the date of enactment of this Act, the volume of crude oil stored in the Reserve shall equal not less than 65 percent of the goal specified in subparagraph (A).

Volumes of crude oil initially stored in the Early Storage Reserve and volumes of crude oil stored in the Industrial Petroleum Reserve, and the Regional Petroleum Reserve shall be credited toward attainment of the storage goals specified in this subsection.

(2) The base period shall be the period of the 3 consecutive months, during the 24-month period preceding the date of enactment of this Act, in which average monthly import levels were the highest. Base period.

(d) The Strategic Petroleum Reserve Plan shall be designed to assure, to the maximum extent practicable, that the Reserve will minimize the impact of any interruption or reduction in imports of refined petroleum products and residual fuel oil in any region which the Administrator determines is, or is likely to become, dependent upon such imports for a substantial portion of the total energy requirements of such region. The Strategic Petroleum Reserve Plan shall be designed to assure, to the maximum extent practicable, that each noncontiguous area of the United States which does not have overland access to domestic crude oil production has its component of the Strategic Petroleum Reserve within its respective territory.

(e) The Strategic Petroleum Reserve Plan shall include: Contents.

(1) a comprehensive environmental assessment;

(2) a description of the type and proposed location of each storage facility (other than storage facilities of the Industrial Petroleum Reserve) proposed to be included in the Reserve;

(3) a statement as to the proximity of each such storage facility to related facilities;

(4) an estimate of the volumes and types of petroleum products proposed to be stored in each such storage facility;

(5) a projection as to the aggregate size of the Reserve, including a statement as to the most economically-efficient storage levels for each such storage facility;

(6) a justification for any changes, with respect to volumes or dates, proposed in the storage schedule specified in subsection (c), and a program schedule for overall development and completion of the Reserve (taking into account all relevant factors, including cost effectiveness, the need to construct related facilities, and the ability to obtain sufficient quantities of petroleum products to fill the storage facilities to the proposed storage levels);

(7) an estimate of the direct cost of the Reserve, including—
(A) the cost of storage facilities;
(B) the cost of the petroleum products to be stored;
(C) the cost of related facilities; and
(D) management and operation costs;
(8) an evaluation of the impact of developing the Reserve, taking into account—
(A) the availability and the price of supplies and equipment and the effect, if any, upon domestic production of acquiring such supplies and equipment for the Reserve;
(B) any fluctuations in world, and domestic, market prices for petroleum products which may result from the acquisition of substantial quantities of petroleum products for the Reserve;
(C) the extent to which such acquisition may support otherwise declining market prices for such products; and
(D) the extent to which such acquisition will affect competition in the petroleum industry;
(9) an identification of the ownership of each storage and related facility proposed to be included in the Reserve (other than storage and related facilities of the Industrial Petroleum Reserve);
(10) an identification of the ownership of the petroleum products to be stored in the Reserve in any case where such products are not owned by the United States;
(11) a statement of the manner in which the provisions of this part relating to the establishment of the Industrial Petroleum Reserve and the Regional Petroleum Reserve will be implemented; and
(12) a Distribution Plan setting forth the method of drawdown and distribution of the Reserve.

EARLY STORAGE RESERVE

Establishment.
42 USC 6235.

SEC. 155. (a)(1) The Administrator shall establish an Early Storage Reserve as part of the Strategic Petroleum Reserve. The Early Storage Reserve shall be designed to store petroleum products, to the maximum extent practicable, in existing storage capacity. Petroleum products stored in the Early Storage Reserve may be owned by the United States or may be owned by others and stored pursuant to section 156(b).

(2) If the Strategic Petroleum Reserve Plan has not become effective under section 159(a), the Early Storage Reserve shall contain not less than 150 million barrels of petroleum products by the end of the 3-year period which begins on the date of enactment of this Act.

(b) The Early Storage Reserve shall provide for meeting regional needs for residual fuel oil and refined petroleum products in any region which the Administrator determines is, or is likely to become, dependent upon imports of such oil or products for a substantial portion of the total energy requirements of such region.

Plan, transmittal to Congress.

(c) Within 90 days after the date of enactment of this Act, the Administrator shall prepare and transmit to the Congress an Early Storage Reserve Plan which shall provide for the storage of not less than 150 million barrels of petroleum products by the end of 3 years from the date of enactment of this Act. Such plan shall detail the Administrator's proposals for implementing the Early Storage Reserve requirements of this section. The Early Storage Reserve Plan shall, to the maximum extent practicable, provide for, and set forth

the manner in which, Early Storage Reserve facilities will be incorporated into the Strategic Petroleum Reserve after the Strategic Petroleum Reserve Plan has become effective under section 159(a). The Early Storage Reserve Plan shall include, with respect to the Early Storage Reserve, the same or similar assessments, statements, estimates, evaluations, projections, and other information which section 154(e) requires to be included in the Strategic Petroleum Reserve Plan, including a Distribution Plan for the Early Storage Reserve.

INDUSTRIAL PETROLEUM RESERVE

SEC. 156. (a) The Administrator may establish an Industrial Petroleum Reserve as part of the Strategic Petroleum Reserve. Establishment. 42 USC 6236.

(b) To implement the Early Storage Reserve Plan or the Strategic Petroleum Reserve Plan which has taken effect pursuant to section 159(a), the Administrator may require each importer of petroleum products and each refiner to (1) acquire, and (2) store and maintain in readily available inventories, petroleum products in amounts determined by the Administrator, except that the Administrator may not require any such importer or refiner to store such petroleum products in an amount greater than 3 percent of the amount imported or refined by such person, as the case may be, during the previous calendar year. Petroleum products imported and stored in the Industrial Petroleum Reserve shall be exempt from any tariff or import license fee.

(c) The Administrator shall implement this section in a manner which is appropriate to the maintenance of an economically sound and competitive petroleum industry. The Administrator shall take such steps as are necessary to avoid inequitable economic impacts on refiners and importers, and he may grant relief to any refiner or importer who would otherwise incur special hardship, inequity, or unfair distribution of burdens as the result of any rule, regulation, or order promulgated under this section. Such relief may include full or partial exemption from any such rule, regulation, or order and the issuance of an order permitting such an importer or refiner to store petroleum products owned by such importer or refiner in surplus storage capacity owned by the United States. Relief.

REGIONAL PETROLEUM RESERVE

SEC. 157. (a) The Strategic Petroleum Reserve Plan shall provide for the establishment and maintenance of a Regional Petroleum Reserve in, or readily accessible to, each Federal Energy Administration Region, as defined in title 10, Code of Federal Regulations in effect on November 1, 1975, in which imports of residual fuel oil or any refined petroleum product, during the 24-month period preceding the date of computation, equal more than 20 percent of demand for such oil or product in such regions during such period, as determined by the Administrator. Such volume shall be computed annually. 42 USC 6237.

(b) To implement the Strategic Petroleum Reserve Plan, the Administrator shall accumulate and maintain in or near any such Federal Energy Administration Region described in subsection (a), a Regional Petroleum Reserve containing volumes of such oil or product, described in subsection (a), at a level adequate to provide substantial protection against an interruption or reduction in imports of such oil or product to such region, except that the level of any such Regional Petroleum Reserve shall not exceed the aggregate volume of imports of such oil or product into such region during the period of the 3 consecutive months, during the 24-month period specified in subsection

(a), in which average monthly import levels were the highest, as determined by the Administrator. Such volume shall be computed annually.

(c) The Administrator may place in storage crude oil, residual fuel oil, or any refined petroleum product in substitution for all or part of the volume of residual fuel oil or any refined petroleum product stored in any Regional Petroleum Reserve pursuant to the provisions of this section if he finds that such substitution (1) is necessary or desirable for purposes of economy, efficiency, or for other reasons, and (2) may be made without delaying or otherwise adversely affecting the fulfillment of the purpose of the Regional Petroleum Reserve.

OTHER STORAGE RESERVES

Report to Congress. 42 USC 6238.

SEC. 158. Within 6 months after the Strategic Petroleum Reserve Plan is transmitted to the Congress, pursuant to the requirements of section 154(b), the Administrator shall prepare and transmit to the Congress a report setting forth his recommendations concerning the necessity for, and feasibility of, establishing—

(1) Utility Reserves containing coal, residual fuel oil, and refined petroleum products, to be established and maintained by major fossil-fuel-fired baseload electric power generating stations;

(2) Coal Reserves to consist of (A) federally-owned coal which is mined by or for the United States from Federal lands, and (B) Federal lands from which coal could be produced with minimum delay; and

(3) Remote Crude Oil and Natural Gas Reserves consisting of crude oil and natural gas to be acquired and stored by the United States, in place, pursuant to a contract or other agreement or arrangement entered into between the United States and persons who discovered such oil or gas in remote areas.

REVIEW BY CONGRESS AND IMPLEMENTATION

42 USC 6239.

SEC. 159. (a) The Strategic Petroleum Reserve Plan shall not become effective and may not be implemented, unless—

(1) the Administrator has transmitted such Plan to the Congress pursuant to section 154(b); and

(2) neither House of Congress has disapproved (or both Houses have approved) such Plan, in accordance with the procedures specified in section 551.

Post, p. 965.

(b) For purposes of congressional review of the Strategic Petroleum Reserve Plan under subsection (a), the 5 calendar days described in section 551(f)(4)(A) shall be lengthened to 15 calendar days, and the 15 calendar days described in section 551 (c) and (d) shall be lengthened to 45 calendar days.

Proposals, transmittal to Congress.

(c) The Administrator may, prior to transmittal of the Strategic Petroleum Reserve Plan, prepare and transmit to the Congress proposals for designing, constructing, and filling storage or related facilities. Any such proposal shall be accompanied by a statement explaining (1) the need for action on such proposals prior to completion of such Plan, (2) the anticipated role of the proposed storage or related facilities in such Plan, and (3) to the maximum extent practicable, the same or similar assessments, statements, estimates, evaluations, projections, and other information which section 154(e) requires to be included in the Strategic Petroleum Reserve Plan.

Amendments to plans and explanatory statement, transmittal to Congress.

(d) The Administrator may prepare amendments to the Strategic Petroleum Reserve Plan or to the Early Storage Reserve Plan. He shall transmit any such amendment to the Congress together with a

statement explaining the need for such amendment and, to the maximum extent practicable, the same or similar assessments, statements, estimates, evaluations, projections, and other information which section 154(e) requires to be included in the Strategic Petroleum Reserve Plan.

(e) Any proposal transmitted under subsection (c) and any amendment transmitted under subsection (d), other than a technical or clerical amendment or an amendment to the Early Storage Reserve Plan, shall not become effective and may not be implemented unless—

(1) the Administrator has transmitted such proposal or amendment to the Congress in accordance with subsection (c) or (d) (as the case may be), and

(2) neither House of Congress has disapproved (or both Houses of Congress have approved) such proposal or amendment, in accordance with the procedures specified in section 551.

(f) To the extent necessary or appropriate to implement—

(1) the Strategic Petroleum Reserve Plan which has taken effect pursuant to subsection (a);

(2) the Early Storage Reserve Plan;

(3) any proposal described in subsection (c), or any amendment described in subsection (d), which such proposal or amendment has taken effect pursuant to subsection (e); and

(4) any technical or clerical amendment or any amendment to the Early Storage Reserve Plan,

the Administrator may:

(A) promulgate rules, regulations, or orders; Rules and regulations.

(B) acquire by purchase, condemnation, or otherwise, land or interests in land for the location of storage and related facilities;

(C) construct, purchase, lease, or otherwise acquire storage and related facilities;

(D) use, lease, maintain, sell, or otherwise dispose of storage and related facilities acquired pursuant to this part;

(E) acquire, subject to the provisions of section 160, by purchase, exchange, or otherwise, petroleum products for storage in the Strategic Petroleum Reserve, including the Early Storage Reserve and the Regional Petroleum Reserve;

(F) store petroleum products in storage facilities owned and controlled by the United States or in storage facilities owned by others if such facilities are subject to audit by the United States;

(G) execute any contracts necessary to carry out the provisions of such Strategic Petroleum Reserve Plan, Early Storage Reserve Plan, proposal or amendment;

(H) require any importer of petroleum products or any refiner to (A) acquire, and (B) store and maintain in readily available inventories, petroleum products in the Industrial Petroleum Reserve, pursuant to section 156;

(I) require the storage of petroleum products in the Industrial Petroleum Reserve, pursuant to section 156, on such reasonable terms as the Administrator may specify in storage facilities owned and controlled by the United States or in storage facilities other than those owned by the United States if such facilities are subject to audit by the United States;

(J) require the maintenance of the Industrial Petroleum Reserve;

(K) maintain the Reserve; and

(L) bring an action, whenever he deems it necessary to implement the Strategic Petroleum Reserve Plan, in any court having Condemnation proceeding.

jurisdiction of such proceedings, to acquire by condemnation any real or personal property, including facilities, temporary use of facilities, or other interests in land, together with any personal property located thereon or used therewith.

(g) Before any condemnation proceedings are instituted, an effort shall be made to acquire the property involved by negotiation, unless, the effort to acquire such property by negotiation would, in the judgment of the Administrator be futile or so time-consuming as to unreasonably delay the implementation of the Strategic Petroleum Reserve Plan, because of (1) reasonable doubt as to the identity of the owners, (2) the large number of persons with whom it would be necessary to negotiate, or (3) other reasons.

PETROLEUM PRODUCTS FOR STORAGE IN THE RESERVE

42 USC 6240.

SEC. 160. (a) The Administrator is authorized, for purposes of implementing the Strategic Petroleum Reserve Plan or the Early Storage Reserve Plan, to place in storage, transport, or exchange—

(1) crude oil produced from Federal lands, including crude oil produced from the Naval Petroleum Reserves to the extent that such production is authorized by law;

(2) crude oil which the United States is entitled to receive in kind as royalties from production on Federal lands; and

(3) petroleum products acquired by purchase, exchange, or otherwise.

(b) The Administrator shall, to the greatest extent practicable, acquire petroleum products for the Reserve, including the Early Storage Reserve and the Regional Petroleum Reserve in a manner consonant with the following objectives:

(1) minimization of the cost of the Reserve;

(2) orderly development of the Naval Petroleum Reserves to the extent authorized by law;

(3) minimization of the Nation's vulnerability to a severe energy supply interruption;

(4) minimization of the impact of such acquisition upon supply levels and market forces; and

(5) encouragement of competition in the petroleum industry.

DRAWDOWN AND DISTRIBUTION OF THE RESERVE

42 USC 6241.

SEC. 161. (a) The Administrator may drawdown and distribute the Reserve only in accordance with the provisions of this section.

(b) Except as provided in subsections (c) and (f), no drawdown and distribution of the Reserve may be made except in accordance with the provisions of the Distribution Plan contained in the Strategic Petroleum Reserve Plan which has taken effect pursuant to section 159(a).

(c) Drawdown and distribution of the Early Storage Reserve may be made in accordance with the provisions of the Distribution Plan contained in the Early Storage Reserve Plan until the Strategic Petroleum Reserve Plan has taken effect pursuant to section 159(a).

(d) Neither the Distribution Plan contained in the Strategic Petroleum Reserve Plan nor the Distribution Plan contained in the Early Storage Reserve Plan may be implemented, and no drawdown and distribution of the Reserve or the Early Storage Reserve may be made, unless the President has found that implementation of either such Distribution Plan is required by a severe energy supply interruption or by obligations of the United States under the international energy program.

(e) The Administrator may, by rule, provide for the allocation of any petroleum product withdrawn from the Strategic Petroleum Reserve in amounts specified in (or determined in a manner prescribed by) and at prices specified in (or determined in a manner prescribed by) such rules. Such price levels and allocation procedures shall be consistent with the attainment, to the maximum extent practicable, of the objectives specified in section 4(b)(1) of the Emergency Petroleum Allocation Act of 1973. Rules. 15 USC 753.

(f) The Administrator may permit any importer or refiner who owns any petroleum products stored in the Industrial Petroleum Reserve pursuant to section 156 to remove or otherwise dispose of such products upon such terms and conditions as the Administrator may prescribe.

COORDINATION WITH IMPORT QUOTA SYSTEM

SEC. 162. No quantitative restriction on the importation of any petroleum product into the United States imposed by law shall apply to volumes of any such petroleum product imported into the United States for storage in the Reserve. 42 USC 6242.

DISCLOSURE, INSPECTION, INVESTIGATION

SEC. 163. (a) The Administrator may require any person to prepare and maintain such records or accounts as the Administrator, by rule, determines necessary to carry out the purposes of this part. Recordkeeping. 42 USC 6243.

(b) The Administrator may audit the operations of any storage facility in which any petroleum product is stored or required to be stored pursuant to the provisions of this part. Audit.

(c) The Administrator may require access to, and the right to inspect and examine, at reasonable times, (1) any records or accounts required to be prepared or maintained pursuant to subsection (a) and (2) any storage facilities subject to audit by the United States under the authority of this part. Access.

NAVAL PETROLEUM RESERVES STUDY

SEC. 164. The Administrator shall, in cooperation and consultation with the Secretary of the Navy and the Secretary of the Interior, develop and submit to the Congress within 180 days after the date of enactment of this Act, a written report recommending procedures for the exploration, development, and production of Naval Petroleum Reserve Number 4. Such report shall include recommendations for protecting the economic, social, and environmental interests of Alaska Natives residing within the Naval Petroleum Reserve Number 4 and analyses of arrangements which provide for (1) participation by private industry and private capital, and (2) leasing to private industry. The Secretary of the Navy and the Secretary of the Interior shall cooperate fully with one another and with the Administrator; the Secretary of the Navy shall provide to the Administrator and Secretary of the Interior all relevant data on Naval Petroleum Reserve Number 4 in order to assist the Administrator in the preparation of such report. Report to Congress. 42 USC 6244.

ANNUAL REPORTS

SEC. 165. The Administrator shall report to the President and the Congress, not later than one year after the transmittal of the Strategic Petroleum Reserve Plan to the Congress and each year thereafter, on all actions taken to implement this part. Such report shall include— Report to Congress and President. 42 USC 6245.

(1) a detailed statement of the status of the Strategic Petroleum Reserve;

(2) a summary of the actions taken to develop and implement the Strategic Petroleum Reserve Plan and the Early Storage Reserve Plan;

(3) an analysis of the impact and effectiveness of such actions on the vulnerability of the United States to interruption in supplies of petroleum products;

(4) a summary of existing problems with respect to further implementation of the Early Storage Reserve Plan and the Strategic Petroleum Reserve Plan; and

(5) any recommendations for supplemental legislation deemed necessary or appropriate by the Administrator to implement the provisions of this part.

AUTHORIZATION OF APPROPRIATIONS

42 USC 6246.

SEC. 166. There are authorized to be appropriated—

(1) such funds as are necessary to develop and implement the Early Storage Reserve Plan (including planning, administration, acquisition, and construction of storage and related facilities) and as are necessary to permit the acquisition of petroleum products for storage in the Early Storage Reserve or, if the Strategic Petroleum Reserve Plan has become effective under section 159(a), for storage in the Strategic Petroleum Reserve in the minimum volume specified in section 154(a) or 155(a)(2), whichever is applicable; and

(2) $1,100,000,000 to remain available until expended to carry out the provisions of this part to develop the Strategic Petroleum Reserve Plan and to implement such plan which has taken effect pursuant to section 159(a), including planning, administration, and acquisition and construction of storage and related facilities, but no funds are authorized to be appropriated under this paragraph for the purchase of petroleum products for storage in the Strategic Petroleum Reserve.

TITLE II—STANDBY ENERGY AUTHORITIES

PART A—GENERAL EMERGENCY AUTHORITIES

CONDITIONS OF EXERCISE OF ENERGY CONSERVATION AND RATIONING AUTHORITIES

Plans, transmittal to Congress. 42 USC 6261.

SEC. 201. (a)(1) Within 180 days after the date of enactment of this Act, the President shall transmit to the Congress pursuant to subsection (b)(1) one or more energy conservation contingency plans and a rationing contingency plan. The President may at any time submit additional contingency plans. A contingency plan may become effective only as provided in this section. Such plan may remain in effect for a period specified in the plan but not more than 9 months, unless earlier rescinded by the President.

"Contingency plan."

(2) For purposes of this section, the term "contingency plan" means—

(A) an energy conservation contingency plan prescribed under section 202; or

(B) a rationing contingency plan prescribed under section 203.

(b) Except as otherwise provided in subsection (d) or (e) and subject to the requirements of subsection (c), no contingency plan may become effective, unless—

(1) the President has transmitted such contingency plan to the Congress in accordance with section 552(a); *Post*, p. 967.

(2) such contingency plan has been approved by a resolution by each House of Congress in accordance with the procedures specified in section 552; and

(3) after approval of such contingency plan the President—

(A) has found that putting such contingency plan into effect is required by a severe energy supply interruption or in order to fulfill obligations of the United States under the international energy program, and

(B) has transmitted such finding to the Congress, together with a statement of the effective date and manner for exercise of such plan.

(c) In addition to the requirements of subsection (b), a rationing contingency plan approved under subsection (b)(2) may not become effective unless—

(1) the President has transmitted to the Congress in accordance with section 551(b) a request to put such rationing contingency plan into effect, and *Post*, p. 965.

(2) neither house of Congress has disapproved (or both Houses have approved) such request in accordance with the procedures specified in section 551.

(d)(1) Except as provided in paragraph (2) or (3), a contingency plan may not be amended unless the President has transmitted such amendment to the Congress in accordance with section 552 and each House of Congress has approved such amendment in accordance with the procedures specified in section 552. Plan amendments, transmittal to Congress.

(2) An amendment to a contingency plan which is transmitted to the Congress during any period in which such plan is in effect may take effect if the President has transmitted such amendment to the Congress in accordance with section 551(b) and neither House of Congress has disapproved (or both Houses have approved) such amendment in accordance with the procedures specified in section 551.

(3) The President may prescribe technical or clerical amendments to a contingency plan in accordance with section 523. *Post*, p. 962.

(e) Beginning at any time during the 90-day period which begins on the date of enactment of this Act, the President may put a contingency plan into effect for a period of not more than 60 days if—

(1) the President—

(A) has found that putting such contingency plan into effect is required by a severe energy supply interruption or is necessary to comply with obligations of the United States under the international energy program; and

(B) has transmitted such contingency plan to the Congress in accordance with section 551(b), together with a request to put such plan into effect; and

(2) neither House of Congress has disapproved (or both Houses have approved) such request in accordance with the procedures specified in section 551.

(f) Any contingency plan which the President transmits to the Congress pursuant to subsection (b)(1) or (e)(1)(B) shall contain a specific statement explaining the need for and the rationale and operation of such plan and shall be based upon a consideration of, and to the extent practicable, be accompanied by an evaluation of, the potential economic impacts of such plan, including an analysis of—

(1) any effects of such plan on—
(A) vital industrial sectors of the economy;
(B) employment (on a national and regional basis);
(C) the economic vitality of States and regional areas;
(D) the availability and price of consumer goods and services; and
(E) the gross national product; and
(2) any potential anticompetitive effects.

ENERGY CONSERVATION CONTINGENCY PLANS

42 USC 6262.
Post, p. 962.
"Energy conservation contingency plan."

SEC. 202. (a)(1) The President shall prescribe, in accordance with section 523(a), one or more energy conservation contingency plans. As used in this section, the term "energy conservation contingency plan" means a plan which imposes reasonable restrictions on the public or private use of energy which are necessary to reduce energy consumption. In prescribing energy conservation contingency plans, the President shall take into consideration the mobility needs of the handicapped, as defined in section 203(a)(2)(B).

(2) An energy conservation contingency plan prescribed under this section may not—
(A) impose rationing or any tax, tariff, or user fee;
(B) contain any provision respecting the price of petroleum products; or
(C) provide for a credit or deduction in computing any tax.

(b) An energy conservation contingency plan shall apply in each State or political subdivision thereof, except such plan may provide for procedures for exempting any State or political subdivision thereof from such plan, in whole or part, during a period for which (1) the President determines a comparable program of such State or political subdivision is in effect, or (2) the President finds special circumstances exist in such State or political subdivision.

(c) Any energy conservation contingency plan shall not deal with more than one logically consistent subject matter.

RATIONING CONTINGENCY PLAN

Rules.
42 USC 6263.
15 USC 754.
15 USC 753.

SEC. 203. (a)(1) The President shall prescribe, by rule in accordance with section 523(a) of this Act, a rationing contingency plan which shall, for purposes of enforcement under section 5 of the Emergency Petroleum Allocation Act of 1973, be deemed a part of the regulation under section 4(a) of the Emergency Petroleum Allocation Act of 1973 and which shall provide, consistent with the attainment, to the maximum extent practicable, of the objectives specified in section 4(b)(1) of such Act—
(A) for the establishment of a program for the rationing and ordering of priorities among classes of end-users of gasoline and diesel fuel used in motor vehicles, and
(B) for the assignment of rights, and evidence of such rights, to end-users of gasoline and such diesel fuel, entitling such end-users to obtain gasoline or such diesel fuel in precedence to other classes of end-users not similarly entitled.

(2)(A) For purposes of paragraph (1), the objectives specified in section 4(b)(1) of the Emergency Petroleum Allocation Act of 1973 shall be deemed to include consideration of the mobility needs of handicapped persons and their convenience in obtaining the end-user's rights specified in paragraph (1).

(B) For purposes of this part, the term "handicapped person" means any individual who, by reason of disease, injury, age, congenital malfunction, or other permanent incapacity or disability, is unable without special facilities, planning or design to utilize mass transportation vehicles, facilities, and services and who has a substantial, permanent impediment to mobility. "Handicapped person."

(b) Any finding required to be made by the President pursuant to section 201(b)(3) and any request to put a rationing contingency plan into effect pursuant to section 201(e) shall be accompanied by a finding of the President that such plan is necessary to attain, to the maximum extent practicable, the objectives specified in section 4(b)(1) of the Emergency Petroleum Allocation Act of 1973 and the purposes of this Act. 15 USC 753.

(c) The President shall, by order under section 4 of the Emergency Petroleum Allocation Act of 1973, for the purpose of carrying out a rationing contingency plan which is in effect, cause such adjustments to be made in the allocations made pursuant to the regulation under section 4(a) of such Act as the President determines to be necessary to carry out the purposes of this section and to be consistent with the attainment, to the maximum extent practicable, of the objectives specified in section 4(b)(1) of such Act and the purposes of this Act.

(d)(1) The President shall, to the extent practicable, provide for the use of local boards described in paragraph (2) with authority to—

(A) receive petitions from any end-user of gasoline and diesel fuel used in motor vehicles with respect to the priority and entitlement of such user under a rationing contingency plan, and

(B) order a reclassification or modification of any determination made under a rationing contingency plan with respect to such end-user's rationing priority or rights specified in paragraph (1).

Such boards shall operate under the procedures prescribed by the President by rule.

(2) Not later than 30 days after the date of the approval of a rationing contingency plan pursuant to section 201(b)(2), the President shall, by rule, prescribe—

(A) criteria for delegation of his functions, in whole or part, under this Act with respect to such rationing contingency plan to officers or local boards (of balanced composition reflecting the community as a whole) of States or political subdivisions thereof; and

(B) procedures for petitioning for the receipt of such delegation.

(3)(A) Officers or local boards of States or political subdivisions thereof, following the establishment of criteria and procedures under paragraph (2), may petition the President to receive delegation under such paragraph. Petition.

(B) The President shall, within 30 days after the date of the receipt of any such petition which is properly submitted, grant or deny such petition.

(e) No rationing contingency plan under this section may—

(1) impose any tax,

(2) provide for a credit or deduction in computing any tax, or

(3) impose any user fee, except to the extent necessary to defray the cost of administering the rationing contingency plan or to provide for initial distribution of end-user rights specified in paragraph (1).

(f) Notwithstanding section 531, all authority to carry out any rationing contingency plan shall expire on the same date as authority *Post*, p. 965.

to issue and enforce rules and orders under the Emergency Petroleum Allocation Act of 1973.

15 USC 751 note.

PART B—AUTHORITIES WITH RESPECT TO INTERNATIONAL ENERGY PROGRAM

INTERNATIONAL OIL ALLOCATION

42 USC 6271.

SEC. 251. (a) The President may, by rule, require that persons engaged in producing, transporting, refining, distributing, or storing petroleum products, take such action as he determines to be necessary for implementation of the obligations of the United States under chapters III and IV of the international energy program insofar as such obligations relate to the international allocation of petroleum products. Allocation under such rule shall be in such amounts and at such prices as are specified in (or determined in a manner prescribed by) such rule. Such rule may apply to any petroleum product owned or controlled by any person described in the first sentence of this subsection who is subject to the jurisdiction of the United States, including any petroleum product destined, directly or indirectly, for import into the United States or any foreign country, or produced in the United States. Subject to subsection (b)(2), such a rule shall remain in effect until amended or rescinded by the President.

Rule, transmittal to Congress.

(b)(1) No rule under subsection (a) may take effect unless the President—

(A) has transmitted such rule to the Congress;

(B) has found that putting such rule into effect is required in order to fulfill obligations of the United States under the international energy program; and

(C) has transmitted such finding to the Congress, together with a statement of the effective date and manner for exercise of such rule.

(2) No rule under subsection (b) may be put into effect or remain in effect after the expiration of 12 months after the date such rule was transmitted to Congress under paragraph (1)(A).

(c)(1) Any rule under this section shall be consistent with the attainment, to the maximum extent practicable, of the objectives specified in section 4(b)(1) of the Emergency Petroleum Allocation Act of 1973.

15 USC 753.

(2) No officer or agency of the United States shall have any authority, other than authority under this section, to require that petroleum products be allocated to other countries for the purpose of implementation of the obligations of the United States under the international energy program.

(d) Neither section 103 of this Act nor section 28(u) of the Mineral Leasing Act of 1920 shall preclude the allocation and export, to other countries in accordance with this section, of petroleum products produced in the United States.

30 USC 185.

INTERNATIONAL VOLUNTARY AGREEMENTS

Effective date.
42 USC 6272.

SEC. 252. (a) Effective 90 days after the date of enactment of this Act, the requirements of this section shall be the sole procedures applicable to—

(1) the development or carrying out of voluntary agreements and plans of action to implement the allocation and information provisions of the international energy program, and

(2) the availability of immunity from the antitrust laws with respect to the development or carrying out of such voluntary agreements and plans of action.

Standards and procedures.

(b) The Administrator, with the approval of the Attorney General, after each of them has consulted with the Federal Trade Commission and the Secretary of State, shall prescribe, by rule, standards and procedures by which persons engaged in the business of producing, transporting, refining, distributing, or storing petroleum products may develop and carry out voluntary agreements, and plans of action, which are required to implement the allocation and information provisions of the international energy program.

(c) The standards and procedures prescribed under subsection (b) shall include the following requirements:

Meetings, notice.

(1)(A)(i) Except as provided in clause (ii) or (iii) of this subparagraph, meetings held to develop or carry out a voluntary agreement or plan of action under this subsection shall permit attendance by representatives of committees of Congress and interested persons, including all interested segments of the petroleum industry, consumers, and the public; shall be preceded by timely and adequate notice with identification of the agenda of such meeting to the Attorney General, the Federal Trade Commission, committees of Congress, and (except during an international energy supply emergency with respect to meetings to carry out a voluntary agreement or to develop or carry out a plan of action) the public; and shall be initiated and chaired by a regular full-time Federal employee.

(ii) Meetings of bodies created by the International Energy Agency established by the international energy program need not be open to interested persons and need not be initiated and chaired by a regular full-time Federal employee.

(iii) The President, in consultation with the Administrator, the Secretary of State, and the Attorney General, may determine that a meeting held to carry out a voluntary agreement or to develop or carry out a plan of action shall not be open to interested persons or that attendance by interested persons may be limited, if the President finds that a wider disclosure would be detrimental to the foreign policy interests of the United States.

(B) No meetings may be held to develop or carry out a voluntary agreement or plan of action under this section unless a regular full-time Federal employee is present.

Comments.

(2) Interested persons permitted to attend such a meeting shall be afforded an opportunity to present, in writing and orally, data, views, and arguments at such meetings, subject to any reasonable limitations with respect to the manner of presentation of data, views, and arguments as the Administrator may impose.

Record and transcript.

(3) A full and complete record, and where practicable a verbatim transcript, shall be kept of any meeting held, and a full and complete record shall be kept of any communication (other than in a meeting) made, between or among participants or potential participants, to develop, or carry out a voluntary agreement or a plan of action under this section. Such record or transcript shall be deposited, together with any agreement resulting therefrom, with the Administrator, and shall be available to the Attorney General and the Federal Trade Commission. Such records or transcripts shall be available for public inspection and copying in accordance with section 552 of title 5, United States Code; except that (A) matter may not be withheld from disclosure under section 552(b) of such title on grounds other than the grounds specified

Availability.

5 USC 552.

in section 552 (b)(1), (b)(3), or so much of (b)(4) as relates to trade secrets; and (B) in the exercise of authority under section 552(b)(1), the President shall consult with the Secretary of State, the Administrator, and the Attorney General with respect to questions relating to the foreign policy interests of the United States.

(4) No provision of this section may be exercised so as to prevent representatives of committees of Congress from attending meetings to which this section applies, or from having access to any transcripts, records, and agreements kept or made under this section.

(d)(1) The Attorney General and the Federal Trade Commission shall participate from the beginning in the development, and when practicable, in the carrying out of voluntary agreements and plans of action authorized under this section. Each may propose any alternative which would avoid or overcome, to the greatest extent practicable, possible anticompetitive effects while achieving substantially the purposes of this part. A voluntary agreement or plan of action under this section may not be carried out unless approved by the Attorney General, after consultation with the Federal Trade Commission. Prior to the expiration of the period determined under paragraph (2), the Federal Trade Commission shall transmit to the Attorney General its views as to whether such an agreement or plan of action should be approved, and shall publish such views in the Federal Register. The Attorney General, in consultation with the Federal Trade Commission, the Secretary of State, and the Administrator, shall have the right to review, amend, modify, disapprove, or revoke, on his own motion or upon the request of the Federal Trade Commission or any interested person, any voluntary agreement or plan of action at any time, and, if revoked, thereby withdraw prospectively any immunity which may be conferred by subsection (f) or (k).

Publication in Federal Register.

(2) Any voluntary agreement or plan of action entered into pursuant to this section shall be submitted in writing to the Attorney General and the Federal Trade Commission 20 days before being implemented; except that during an international energy supply emergency, the Administrator, subject to approval of the Attorney General, may reduce such 20-day period. Any such agreement or plan of action shall be available for public inspection and copying, except that a plan of action shall be so available only to the extent to which records or transcripts are so available as provided in the last sentence of subsection (c)(3). Any action taken pursuant to such voluntary agreement or plan of action shall be reported to the Attorney General and the Federal Trade Commission pursuant to such regulations as shall be prescribed under paragraphs (3) and (4) of subsection (e).

(3) A plan of action may not be approved by the Attorney General under this subsection unless such plan (A) describes the types of substantive actions which may be taken under the plan, and (B) is as specific in its description of proposed substantive actions as is reasonable in light of known circumstances.

(e)(1) The Attorney General and the Federal Trade Commission shall monitor the development and carrying out of voluntary agreements and plans of action authorized under this section in order to promote competition and to prevent anticompetitive practices and effects, while achieving substantially the purposes of this part.

Rules.

(2) In addition to any requirement specified under subsections (b) and (c) of this section and in order to carry out the purposes of this section, the Attorney General, in consultation with the Federal Trade Commission and the Administrator, shall promulgate rules

concerning the maintenance of necessary and appropriate records related to the development and carrying out of voluntary agreements and plans of action authorized pursuant to this section.

Recordkeeping.

(3) Persons developing or carrying out voluntary agreements and plans of action authorized pursuant to this section shall maintain such records as are required by rules promulgated under paragraph (2). The Attorney General and the Federal Trade Commission shall have access to and the right to copy such records at reasonable times and upon reasonable notice.

Accessibility.

Rules.

(4) The Attorney General and the Federal Trade Commission may each prescribe such rules as may be necessary or appropriate to carry out their respective responsibilities under this section. They may both utilize for such purposes and for purposes of enforcement any powers conferred upon the Federal Trade Commission or the Department of Justice, or both, by the antitrust laws or the Antitrust Civil Process Act; and wherever any such law refers to "the purposes of this Act" or like terms, the reference shall be understood to include this section.

15 USC 1311 note.

Defenses.

(f)(1) There shall be available as a defense to any civil or criminal action brought under the antitrust laws (or any similar State law) in respect to actions taken to develop or carry out a voluntary agreement or plan of action by persons engaged in the business of producing, transporting, refining, distributing, or storing petroleum products (provided that such actions were not taken for the purpose of injuring competition) that—

(A) such actions were taken—

(i) in the course of developing a voluntary agreement or plan of action pursuant to this section, or

(ii) to carry out a voluntary agreement or plan of action authorized and approved in accordance with this section, and

(B) such persons complied with the requirements of this section and the rules promulgated hereunder.

(2) Except in the case of actions taken to develop a voluntary agreement or plan of action, the defense provided in this subsection shall be available only if the person asserting the defense demonstrates that the actions were specified in, or within the reasonable contemplation of, an approved plan of action.

Burden of proof.

(3) Persons interposing the defense provided by this subsection shall have the burden of proof, except that the burden shall be on the person against whom the defense is asserted with respect to whether the actions were taken for the purpose of injuring competition.

(g) No provision of this section shall be construed as granting immunity for, or as limiting or in any way affecting any remedy or penalty which may result from any legal action or proceeding arising from, any act or practice which occurred prior to the date of enactment of this Act or subsequent to its expiration or repeal.

(h) Upon the expiration of the 90-day period which begins on the date of enactment of this Act, the provisions of sections 708 and 708A (other than 708A(o)) of the Defense Production Act of 1950 shall not apply to any agreement or action undertaken for the purpose of developing or carrying out (1) the international energy program, or (2) any allocation, price control, or similar program with respect to petroleum products under this Act or under the Emergency Petroleum Allocation Act of 1973. For purposes of section 708(A)(o) of the Defense Production Act of 1950, the effective date of the provisions of this Act which relate to international voluntary agreements to carry out the International Energy Program shall be deemed to be 90 days after the date of enactment of this Act.

Ante, pp. 810, 815.
50 USC app. 2158, 2158a.

42 USC 751 note.

Report to President and Congress.

(i) The Attorney General and the Federal Trade Commission shall each submit to the Congress and to the President, at least once every 6 months, a report on the impact on competition and on small business of actions authorized by this section.

Termination date.

(j) The authority granted by this section shall terminate June 30, 1979.

Defense.

(k) In any action in any Federal or State court for breach of contract, there shall be available as a defense that the alleged breach of contract was caused predominantly by action taken during an international energy supply emergency to carry out a voluntary agreement or plan of action authorized and approved in accordance with this section.

(l) As used in this section and section 254:

"International energy supply emergency."

(1) The term "international energy supply emergency" means any period (A) beginning on any date which the President determines allocation of petroleum products to nations participating in the international energy program is required by chapters III and IV of such program, and (B) ending on a date on which he determines that such allocation is no longer required. Such a period may not exceed 90 days, but the President may establish one or more additional 90-day periods by making anew the determination under subparagraph (A) of the preceding sentence. Any determination respecting the beginning or end of any such period shall be published in the Federal Register.

Publication in Federal Register

"Allocation and information provisions of the international energy program."

(2) The term "allocation and information provisions of the international energy program" means the provisions of the international energy program which relate to international allocation of petroleum products and to the information system provided in such program.

ADVISORY COMMITTEES

Establishment. 42 USC 6273.

SEC. 253. (a) To achieve the purposes of the international energy program with respect to international allocation of petroleum products and the information system provided in such program, the Administrator may provide for the establishment of such advisory committees as he determines are necessary. In addition to the requirements specified in this section, such advisory committees shall be subject to the provisions of section 17 of the Federal Energy Administration Act of 1974 (whether or not such Act or any of its provisions expire or terminate before June 30, 1985); shall be chaired by a regular full-time Federal employee; and shall include representatives of the public. The meetings of such committees shall be open to the public. The Attorney General and the Federal Trade Commission shall have adequate advance notice of any meeting and may have an official representative attend and participate in any such meeting.

15 USC 776.

Notice of meetings.

Meetings, verbatim transcript. Availability.

(b) A verbatim transcript shall be kept of such advisory committee meetings, and shall be deposited with the Attorney General and the Federal Trade Commission. Such transcript shall be made available for public inspection and copying in accordance with section 552 of title 5, United States Code, except that matter may not be withheld from disclosure under section 552(b) of such title on grounds other than the grounds specified in section 552 (b) (1), (b) (3), and so much of (b) (4) as relates to trade secrets, or pursuant to a determination under subsection (c).

Suspension.

(c) The President, after consultation with the Secretary of State, the Federal Trade Commission, the Attorney General, and the Administrator, may suspend the application of—

(1) sections 10 and 11 of the Federal Advisory Committee Act, 5 USC app. I.
(2) subsections (b) and (c) of section 17 of the Federal Energy Administration Act of 1974, 15 USC 776.
(3) the requirement under subsection (a) of this section that meetings be open to the public, and
(4) the second sentence of subsection (b);
if the President determines with respect to a particular meeting, (A) that such suspension is essential to the developing or carrying out of the international energy program, (B) that such suspension relates solely to the purpose of international allocation of petroleum products and the information system provided in such program, and (C) that the meeting deals with matters described in section 552(b)(1) of title 5, United States Code. Such determination by the President shall be in writing, shall set forth a detailed explanation of reasons justifying the granting of such suspension, and shall be published in the Federal Register at a reasonable time prior to the effective date of any such suspension. Publication in Federal Register.

EXCHANGE OF INFORMATION

SEC. 254. (a)(1) Except as provided in subsections (b) and (c), the Administrator, after consultation with the Attorney General, may provide to the Secretary of State, and the Secretary of State may transmit to the International Energy Agency established by the international energy program, the information and data related to the energy industry certified by the Secretary of State as required to be submitted under the international energy program. 42 USC 6274.

(2)(A) Except as provided in subparagraph (B) of this paragraph, any such information or data which is geological or geophysical information or a trade secret or commercial or financial information to which section 552(b)(9) or (b)(4) of title 5, United States Code, applies shall, prior to such transmittal, be aggregated, accumulated, or otherwise reported in such manner as to avoid, to the fullest extent feasible, identification of any person from whom the United States obtained such information or data, and in the case of geological or geophysical information, a competitive disadvantage to such person.

(B)(i) Notwithstanding subparagraph (A) of this paragraph, during an international energy supply emergency, any such information or data with respect to the international allocation of petroleum products may be made available to the International Energy Agency if otherwise authorized to be made available to such Agency by paragraph (1) of this subsection.

(ii) Subparagraph (A) shall not apply to information described in subparagraph (A) (other than geological or geophysical information) if the President certifies, after opportunity for presentation of views by interested persons, that the International Energy Agency has adopted and is implementing security measures which assure that such information will not be disclosed by such Agency or its employees to any person or foreign country without having been aggregated, accumulated, or otherwise reported in such manner as to avoid identification of any person from whom the United States obtained such information or data.

(3)(A) Within 90 days after the date of enactment of this Act, and periodically thereafter, the President shall review the operation of this section and shall determine whether other signatory nations to the international energy program are transmitting information and data to the International Energy Agency in substantial compliance with such program. If the President determines that other nations Review.

are not so complying, paragraph (2)(B)(ii) shall not apply until he determines other nations are so complying.

(B) Any person who believes he has been or will be damaged by the transmittal of information or data pursuant to this section shall have the right to petition the President and to request changes in procedures which will protect such person from any competitive damage.

(b) If the President determines that the transmittal of data or information pursuant to the authority of this section would prejudice competition, violate the antitrust laws, or be inconsistent with United States national security interests, he may require that such data or information not be transmitted.

(c) Information and data the confidentiality of which is protected by statute shall not be provided by the Administrator to the Secretary of State under subsection (a) of this section for transmittal to the International Energy Agency, unless the Administrator has obtained the specific concurrence of the head of any department or agency which has the primary statutory authority for the collection, gathering, or obtaining of such information and data. In making a determination to concur in providing such information and data, the head of any department or agency which has the primary statutory authority for the collection, gathering, or obtaining of such information and data shall consider the purposes for which such information and data were collected, gathered, and obtained, the confidentiality provisions of such statutory authority, and the international obligations of the United States under the international energy program with respect to the transmittal of such information and data to an international organization or foreign country.

(d) For the purposes of carrying out the obligations of the United States under the international energy program, the authority to collect data granted by sections 11 and 13 of the Energy Supply and Environmental Coordination Act and the Federal Energy Administration Act of 1974, respectively, shall continue in full force and effect without regard to the provisions of such Acts relating to their expiration.

15 USC 796.
88 Stat. 265.
15 USC 761 note.

(e) The authority under this section to transmit information shall be subject to any limitations on disclosure contained in other laws, except that such authority may be exercised without regard to—

(1) section 11(d) of the Energy Supply and Environmental Coordination Act of 1974;

(2) section 14(b) of the Federal Energy Administration Act of 1974;

15 USC 773.

(3) section 7 of the Export Administration Act of 1969;

50 USC app. 2406.

(4) section 9 of title 13, United States Code;

(5) section 1 of the Act of January 27, 1938 (15 U.S.C. 176(a)); and

(6) section 1905 of title 18, United States Code.

RELATIONSHIP OF THIS TITLE TO THE INTERNATIONAL ENERGY AGREEMENT

42 USC 6275.

SEC. 255. The purpose of the Congress in enacting this title is to provide standby energy emergency authority to deal with energy shortage conditions and to minimize economic dislocations and adverse impacts on employment. While the authorities contained in this title may, to the extent authorized by this title, be used to carry out obligations incurred by the United States in connection with the International Energy Program, this title shall not be construed in any way

as advice and consent, ratification, endorsement, or other form of congressional approval of the specific terms of such program.

TITLE III—IMPROVING ENERGY EFFICIENCY

PART A—AUTOMOTIVE FUEL ECONOMY

AMENDMENT TO MOTOR VEHICLE INFORMATION AND COST SAVINGS ACT

SEC. 301. The Motor Vehicle Information and Cost Savings Act (15 U.S.C. 1901 et seq.) is amended by inserting "(except part A of title V)" after "SEC. 2. For the purpose of this Act" in section 2 thereof and by adding at the end of such Act the following new title:

"TITLE V—IMPROVING AUTOMOTIVE EFFICIENCY

"PART A—AUTOMOTIVE FUEL ECONOMY

"DEFINITIONS

"SEC. 501. For purposes of this part: 15 USC 2001.

"(1) The term 'automobile' means any 4-wheeled vehicle propelled by fuel which is manufactured primarily for use on public streets, roads, and highways (except any vehicle operated exclusively on a rail or rails), and

"(A) which is rated at 6,000 lbs. gross vehicle weight or less, or

"(B) which—

"(i) is rated at more than 6,000 lbs. gross vehicle weight but less than 10,000 lbs. gross vehicle weight,

"(ii) is a type of vehicle for which the Secretary determines, by rule, average fuel economy standards under this part are feasible, and

"(iii) is a type of vehicle for which the Secretary determines, by rule, average fuel economy standards will result in significant energy conservation, or is a type of vehicle which the Secretary determines is substantially used for the same purposes as vehicles described in subparagraph (A) of this paragraph.

The Secretary may prescribe such rules as may be necessary to implement this paragraph. Rules.

"(2) The term 'passenger automobile' means any automobile (other than an automobile capable of off-highway operation) which the Secretary determines by rule is manufactured primarily for use in the transportation of not more than 10 individuals.

"(3) The term 'automobile capable of off-highway operation' means any automobile which the Secretary determines by rule—

"(A) has a significant feature (other than 4-wheel drive) which is designed to equip such automobile for off-highway operation, and

"(B) either—

"(i) is a 4-wheel drive automobile, or

"(ii) is rated at more than 6,000 pounds gross vehicle weight.

"(4) The term 'average fuel economy' means average fuel economy, as determined under section 503.

"(5) The term 'fuel' means gasoline and diesel oil. The Secretary may, by rule, include any other liquid fuel or any gaseous

fuel within the meaning of the term 'fuel' if he determines that such inclusion is consistent with the need of the Nation to conserve energy.

"(6) The term 'fuel economy' means the average number of miles traveled by an automobile per gallon of gasoline (or equivalent amount of other fuel) consumed, as determined by the EPA Administator in accordance with procedures established under section 503(d).

"(7) The term 'average fuel economy standard' means a performance standard which specifies a minimum level of average fuel economy which is applicable to a manufacturer in a model year.

"(8) The term 'manufacturer' means any person engaged in the business of manufacturing automobiles. The Secretary shall prescribe rules for determining, in cases where more than one person is the manufacturer of an automobile, which person is to be treated as the manufacturer of such automobile for purposes of this part.

"(9) The term 'manufacturer' (except for purposes of section 502(c)) means to produce or assemble in the customs territory of the United States, or to import.

"(10) The term 'import' means to import into the customs territory of the United States.

"(11) The term 'model type' means a particular class of automobile as determined, by rule, by the EPA Administrator, after consultation and coordination with the Secretary.

"(12) The term 'model year', with reference to any specific calendar year, means a manufacturer's annual production period (as determined by the EPA Administrator) which includes January 1 of such calendar year. If a manufacturer has no annual production period, the term 'model year' means the calendar year.

"(13) The term 'Secretary' means the Secretary of Transportation.

"(14) The term 'EPA Administrator' means the Administrator of the Environmental Protection Agency.

"AVERAGE FUEL ECONOMY STANDARDS APPLICABLE TO EACH MANUFACTURER

15 USC 2002.

"SEC. 502. (a)(1) Except as otherwise provided in paragraph (4) or in subsection (c) or (d), the average fuel economy for passenger automobiles manufactured by any manufacturer in any model year after model year 1977 shall not be less than the number of miles per gallon established for such model year under the following table:

"Model year:	Average fuel economy standard (in miles per gallon)
1978	18.0.
1979	19.0.
1980	20.0.
1981	Determined by Secretary under paragraph (3) of this subsection.
1982	Determined by Secretary under paragraph (3) of this subsection.
1983	Determined by Secretary under paragraph (3) of this subsection.
1984	Determined by Secretary under paragraph (3) of this subsection.
1985 and thereafter	27.5.

Transmittal to Congress, publication in Federal Register.

"(2) Not later than January 15 of each year, beginning in 1977, the Secretary shall transmit to each House of Congress, and publish in the

Federal Register, a review of average fuel economy standards under this part. The review required to be transmitted not later than January 15, 1979, shall include a comprehensive analysis of the program required by this part. Such analysis shall include an assessment of the ability of manufacturers to meet the average fuel economy standard for model year 1985 as specified in paragraph (1) of this subsection, and any legislative recommendations the Secretary or the EPA Administrator may have for improving the program required by this part.

"(3) Not later than July 1, 1977, the Secretary shall prescribe, by rule, average fuel economy standards for passenger automobiles manufactured in each of the model years 1981 through 1984. Any such standard shall apply to each manufacturer (except as provided in subsection (c)), and shall be set for each such model year at a level which the Secretary determines (A) is the maximum feasible average fuel economy level, and (B) will result in steady progress toward meeting the average fuel economy standard established by or pursuant to this subsection for model year 1985.

"(4) The Secretary may, by rule, amend the average fuel economy standard specified in paragraph (1) for model year 1985, or for any subsequent model year, to a level which he determines is the maximum feasible average fuel economy level for such model year, except that any amendment which has the effect of increasing an average fuel economy standard to a level in excess of 27.5 miles per gallon, or of decreasing any such standard to a level below 26.0 miles per gallon, shall be submitted to the Congress in accordance with section 551 of the Energy Policy and Conservation Act, and shall not take effect if either House of the Congress disapproves such amendment in accordance with the procedures specified in such section.

Post, p. 965.

"(5) For purposes of considering any modification which is submitted to the Congress under paragraph (4), the 5 calendar days specified in section 551(f)(4)(A) of the Energy Policy and Conservation Act shall be lengthened to 20 calendar days, and the 15 calendar days specified in section 551 (c) and (d) of such Act shall be lengthened to 60 calendar days.

"(b) The Secretary shall, by rule, prescribe average fuel economy standards for automobiles which are not passenger automobiles and which are manufactured by any manufacturer in each model year which begins more than 30 months after the date of enactment of this title. Such rules may provide for separate standards for different classes of such automobiles (as determined by the Secretary), and shall be set at a level which the Secretary determines is the maximum feasible average fuel economy level which such manufacturers are able to achieve in each model year to which this subsection applies. Any standard applicable to a model year under this subsection shall be prescribed at least 18 months prior to the beginning of such model year.

"(c) On application of a manufacturer who manufactured (whether or not in the United States) fewer than 10,000 passenger automobiles in the second model year preceding the model year for which the application is made, the Secretary may, by rule, exempt such manufacturer from subsection (a). An application for such an exemption shall be submitted to the Secretary, and shall contain such information as the Secretary may require by rule. Such exemption may only be granted if the Secretary determines that the average fuel economy standard otherwise applicable under subsection (a) is more stringent than the maximum feasible average fuel economy level which such manufacturer can attain. The Secretary may not issue exemptions with respect to a model year unless he establishes, by rule, alternative average fuel economy standards for passenger automobiles manufactured by manu-

Exemption.

facturers which receive exemptions under this subsection. Such standards may be established for an individual manufacturer, for all automobiles to which this subsection applies, or for such classes of such automobiles as the Secretary may define by rule. Each such standard shall be set at a level which the Secretary determines is the maximum feasible average fuel economy level for the manufacturers to which the standard applies. An exemption under this subsection shall apply to a model year only if the manufacturer manfactures (whether or not in the United States) fewer than 10,000 passenger automobiles in such model year.

"(d)(1) Any manufacturer may apply to the Secretary for modification of an average fuel economy standard applicable under subsection (a) to such manufacturer for model year 1978, 1979, or 1980. Such application shall contain such information as the Secretary may require by rule, and shall be submitted to the Secretary within 24 months before the beginning of the model year for which such modification is requested.

"(2)(A) If a manufacturer demonstrates and the Secretary finds that—

"(i) a Federal standards fuel economy reduction is likely to exist for such manufacturer for the model year to which the application relates, and

"(ii) such manufacturer applied a reasonably selected technology,

the Secretary shall, by rule, reduce the average fuel economy standard applicable under subsection (a) to such manufacturer by the amount of such manufacturer's Federal standards fuel economy reduction, rounded off to the nearest one-tenth mile per gallon (in accordance with rules of the Secretary). To the maximum extent practicable, prior to making a finding under this paragraph with respect to an application, the Secretary shall request, and the EPA Administrator shall supply, test results collected pursuant to section 503(d) of this Act for all automobiles covered by such application.

"(B)(i) If the Secretary does not find that a Federal standards fuel economy reduction is likely to exist for a manufacturer who filed an application under paragraph (1), he shall deny the application of such manufacturer.

"(ii) If the Secretary—

"(I) finds that a Federal standards fuel economy reduction is likely to exist for a manufacturer who filed an application under paragraph (1), and

"(II) does not find that such manufacturer applied a reasonably selected technology,

the average fuel economy standard applicable under subsection (a) to such manufacturer shall, by rule, be reduced by an amount equal to the Federal standards fuel economy reduction which the Secretary finds would have resulted from the application of a reasonably selected technology.

Definitions.

"(3) For purposes of this subsection:

"(A) The term 'reasonably selected technology' means a technology which the Secretary determines it was reasonable for a manufacturer to select, considering (i) the Nation's need to improve the fuel economy of its automobiles, and (ii) the energy savings, economic costs, and lead-time requirements associated with alternative technologies practicably available to such manufacturer.

"(B) The term 'Federal standards fuel economy reduction' means the sum of the applicable fuel economy reductions determined under subparagraph (C).

"(C) The term 'applicable fuel economy reduction' means a number of miles per gallon equal to—

"(i) the reduction in a manufacturer's average fuel economy in a model year which results from the application of a category of Federal standards applicable to such model year, and which would not have occurred had Federal standards of such category applicable to model year 1975 remained the only standards of such category in effect, minus

"(ii) 0.5 mile per gallon.

"(D) Each of the following is a category of Federal standards;

"(i) Emissions standards under section 202 of the Clean Air Act, and emissions standards applicable by reason of section 209(b) of such Act. 42 USC 1857f-1. 42 USC 1857f-6a.

"(ii) Motor vehicle safety standards under the National Traffic and Motor Vehicle Safety Act of 1966. 15 USC 1381 note.

"(iii) Noise emission standards under section 6 of the Noise Control Act of 1972. 42 USC 4905.

"(iv) Property loss reduction standards under title I of this Act. 15 USC 1911.

"(E) In making the determination under this subparagraph, the Secretary (in accordance with such methods as he shall prescribe by rule) shall assume a production mix for such manufacturer which would have achieved the average fuel economy standard for such model year had standards described in subparagraph (D) applicable to model year 1975 remained the only standards in effect.

"(4) The Secretary may, for the purposes of conducting a proceeding under this subsection, consolidate one or more applications filed under this subsection.

"(e) For purposes of this section, in determining maximum feasible average fuel economy, the Secretary shall consider—

"(1) technological feasibility;

"(2) economic practicability;

"(3) the effect of other Federal motor vehicle standards on fuel economy; and

"(4) the need of the Nation to conserve energy.

"(f)(1) The Secretary may, by rule, from time to time, amend any average fuel economy standard prescribed under subsection (a)(3), (b), or (c), so long as such standard, as amended, meets the requirements of subsection (a)(3), (b), or (c), as the case may be. Amendments.

"(2) Any amendment prescribed under this section which has the effect of making any average fuel economy standard more stringent shall be— Submittal to Congress.

"(A) promulgated, and

"(B) if required by paragraph (4) of subsection (a), submitted to the Congress,

at least 18 months prior to the beginning of the model year to which such amendment will apply.

"(g) Proceedings under subsection (a)(4) or (d) shall be conducted in accordance with section 553 of title 5, United States Code, except that interested persons shall be entitled to make oral as well as written presentations. A transcript shall be taken of any oral presentations.

"DETERMINATION OF AVERAGE FUEL ECONOMY

15 USC 2003.

"SEC. 503. (a)(1) Average fuel economy for purposes of section 502 (a) and (c) shall be calculated by the EPA Administrator by dividing—

"(A) the total number of passenger automobiles manufactured in a given model year by a manufacturer, by

"(B) a sum of terms, each term of which is a fraction created by dividing—

"(i) the number of passenger automobiles of a given model type manufactured by such manufacturer in such model year, by

"(ii) the fuel economy measured for such model type.

"(2) Average fuel economy for purposes of section 502(b) shall be calculated in accordance with rules of the EPA Administrator.

"(b)(1) In calculating average fuel economy under subsection (a)(1), the EPA Administrator shall separate the total number of passenger automobiles manufactured by a manufacturer into the following two categories:

"(A) Passenger automobiles which are domestically manufactured by such manufacturer (plus, in the case of model year 1978 and model year 1979, passenger automobiles which are within the includable base import volume of such manufacturer).

"(B) Passenger automobiles which are not domestically manufactured by such manufacturer (and which, in the case of model year 1978 and model year 1979, are not within the includable base import volume of such manufacturer).

The EPA Administrator shall calculate the average fuel economy of each such separate category, and each such category shall be treated as if manufactured by a separate manufacturer for purposes of this part.

Definitions.

"(2) For purposes of this subsection:

"(A) The term 'includable base import volume', with respect to any manufacturer in model year 1978 or 1979, as the case may be, is a number of passenger automobiles which is the lesser of—

"(i) the manufacturer's base import volume, or

"(ii) the number of passenger automobiles calculated by multiplying—

"(I) the quotient obtained by dividing such manufacturer's base import volume by such manufacturer's base base production volume, times

"(II) the total number of passenger automobiles manufactured by such manufacturer during such model year.

"(B) The term 'base import volume' means one-half the sum of—

"(i) the total number of passenger automobiles which were not domestically manufactured by such manufacturer during model year 1974 and which were imported by such manufacturer during such model year, plus

"(ii) 133 percent of the total number of passenger automobiles which were not domestically manufactured by such manufacturer during the first 9 months of model year 1975 and which were imported by such manufacturer during such 9-month period.

"(C) The term 'base production volume' means one-half the sum of—

"(i) the total number of passenger automobiles manufactured by such manufacturer during model year 1974, plus

"(ii) 133 percent of the total number of passenger automobiles manufactured by such manufacturer during the first 9 months of model year 1975.

"(D) For purposes of subparagraphs (B) and (C) of this paragraph any passenger automobile imported during model year 1976, but prior to July 1, 1975, shall be deemed to have been manufactured (and imported) during the first 9 months of model year 1975.

"(E) An automobile shall be considered domestically manufactured in any model year if at least 75 percent of the cost to the manufacturer of such automobile is attributable to value added in the United States or Canada, unless the assembly of such automobile is completed in Canada and such automobile is not imported into the United States prior to the expiration of 30 days following the end of such model year. The EPA Administrator may prescribe rules for purposes of carrying out this subparagraph.

"(F) The fuel economy of each passenger automobile which is imported by a manufacturer in model year 1978 or 1979, as the case may be, and which is not domestically manufactured by such manufacturer, shall be deemed to be equal to the average fuel economy of all such passenger automobiles.

"(c) Any reference in this part to automobiles manufactured by a manufacturer shall be deemed—

"(1) to include all automobiles manufactured by persons who control, are controlled by, or are under common control with, such manufacturer; and

"(2) to exclude all automobiles manufactured (within the meaning of paragraph (1)) during a model year by such manufacturer which are exported prior to the expiration of 30 days following the end of such model year.

"(d)(1) Fuel economy for any model type shall be measured, and average fuel economy of a manufacturer shall be calculated, in accordance with testing and calculation procedures established by the EPA Administrator, by rule. Procedures so established with respect to passenger automobiles (other than for purposes of section 506) shall be the procedures utilized by the EPA Administrator for model year 1975 (weighed 55 percent urban cycle, and 45 percent highway cycle), or procedures which yield comparable results. Procedures under this subsection, to the extent practicable, shall require that fuel economy tests be conducted in conjunction with emissions tests conducted under section 206 of the Clean Air Act. The EPA Administrator shall report any measurements of fuel economy and any calculations of average fuel economy to the Secretary.

42 USC 1857f-5.
Report to Secretary of Transportation.

"(2) The EPA Administrator shall, by rule, determine that quantity of any other fuel which is the equivalent of one gallon of gasoline.

"(3) Testing and calculation procedures applicable to a model year, and any amendment to such procedures (other than a technical or clerical amendment), shall be promulgated not less than 12 months prior to the model year to which such procedures apply.

"(e) For purposes of this part (other than section 506), any measurement of fuel economy of a model type, and any calculation of average fuel economy of a manufacturer, shall be rounded off to the nearest one-tenth mile per gallon (in accordance with rules of the EPA Administrator).

"(f) The EPA Administrator shall consult and coordinate with the Secretary in carrying out his duties under this section.

Consultation.

"JUDICIAL REVIEW

Petition, filing.
15 USC 2004.

"SEC. 504. (a) Any person who may be adversely affected by any rule prescribed under section 501, 502, 503, or 506 may, at any time prior to 60 days after such rule is prescribed (or in the case of an amendment submitted to each House of the Congress under section 502(a)(4), at any time prior to 60 days after the expiration of the 60-day period specified in section 502(a)(5)), file a petition in the United States Court of Appeals for the District of Columbia, or for any circuit wherein such person resides or has his principal place of business, for judicial review of such rule. A copy of the petition shall be forthwith transmitted by the clerk of such court to the officer who prescribed the rule. Such officer shall thereupon cause to be filed in such court the written submissions and other materials in the proceeding upon which such rule was based. Upon the filing of such petition, the court shall have jurisdiction to review the rule in accordance with chapter 7 of title 5, United States Code, and to grant appropriate relief as provided in such chapter. Findings of the Secretary under section 502(d) shall be set aside by the court on review unless such findings are supported by substantial evidence.

Jurisdiction.

5 USC 701 *et seq.*

"(b) If the petitioner applies to the court in a proceeding under subsection (a) for leave to make additional submissions, and shows to the satisfaction of the court that such additional submissions are material and that there were reasonable grounds for the failure to make such submissions in the administrative proceeding, the court may order the Secretary or the EPA Administrator, as the case may be, to provide additional opportunity to make such submissions. The Secretary or the EPA Administrator, as the case may be, may modify or set aside the rule involved or prescribe a new rule by reason of the additional submissions, and shall file any such modified or new rule in the court, together with such additional submissions. The court shall thereafter review such new or modified rule.

"(c) The judgment of the court affirming or setting aside, in whole or in part, any such rule shall be final, subject to review by the Supreme Court of the United States upon certiorari or certification as provided in section 1254 of title 28, United States Code.

"(d) The remedies provided for in this section shall be in addition to, and not in lieu of, any other remedies provided by law.

"INFORMATION AND REPORTS

Report to Secretary of Transportation.
15 USC 2005.

"SEC. 505. (a)(1) Each manufacturer shall submit a report to the Secretary during the 30-day period preceding the beginning of each model year after model year 1977, and during the 30-day period beginning on the 180th day of each such model year. Each such report shall contain (A) a statement as to whether such manufacturer will comply with average fuel economy standards under section 502 applicable to the model year for which such report is made; (B) a plan which describes the steps the manufacturer has taken or intends to take in order to comply with such standards; and (C) such other information as the Secretary may require.

"(2) Whenever a manufacturer determines that a plan submitted under paragraph (1) which he stated was sufficient to insure compliance with applicable average fuel economy standards is not sufficient to insure such compliance, he shall submit a report to the Secretary containing a revised plan which specifies any additional measures which such manufacturer intends to take in order to comply

with such standards, and a statement as to whether such revised plan is sufficient to insure such compliance.

"(3) The Secretary shall prescribe rules setting forth the form and content of the reports required under paragraphs (1) and (2). Rules.

"(b)(1) For the purpose of carrying out the provisions of this part, the Secretary or the EPA Administrator, or their duly designated agents, may hold such hearings, take such testimony, sit and act at such times and places, administer such oaths, and require, by subpena, the attendance and testimony of such witnesses and the production of such books, papers, correspondence, memorandums, contracts, agreements, or other records as the Secretary, the EPA Administator, or such agents deem advisable. The Secretary or the EPA Administrator may require, by general or special orders that any person— Hearings.

"(A) file, in such form as the Secretary or EPA Administrator may prescribe, reports or answers in writing to specific questions relating to any function of the Secretary or the EPA Administrator under this part, and

"(B) provide the Secretary, the EPA Administrator, or their duly designated agents, access to (and for the purpose of examination, the right to copy) any documentary evidence of such person which is relevant to any function of the Secretary or the EPA Administrator under this part.

Such reports and answers shall be made under oath or otherwise, and shall be filed with the Secretary or the EPA Administrator within such reasonable period as either may prescribe.

"(2) The district courts of the United States for a judicial district in the jurisdiction of which an inquiry is carried on may, in the case of contumacy or refusal to obey a duly authorized subpena or order of the Secretary, the EPA Administrator, or a duly designated agent of either, issued under paragraph (1), issue an order requiring compliance with such subpena or order. Any failure to obey such an order of the court may be treated by such court as a contempt thereof.

"(3) Witnesses summoned pursuant to this subsection shall be paid the same fees and mileage that are paid witnesses in the courts of the United States. Witness fees.

"(c)(1) Every manufacturer shall establish and maintain such records, make such reports, conduct such tests, and provide such items and information as the Secretary or the EPA Administrator may, by rule, reasonably require to enable the Secretary or the EPA Administrator to carry out their duties under this part and under any rules prescribed pursuant to this part. Such manufacturer shall, upon request of a duly designated agent of the Secretary or the EPA Administrator who presents appropriate credentials, permit such agent, at reasonable times and in a reasonable manner, to enter the premises of such manufacturer to inspect automobiles and appropriate books, papers, records, and documents. Such manufacturer shall make available all of such items and information in accordance with such reasonable rules as the Secretary or the EPA Administrator may prescribe. Recordkeeping.

"(2) The district courts of the United States may, if a manufacturer refuses to accede to any rule or reasonable request made under paragraph (1), issue an order requiring compliance with such requirement or request. Any failure to obey such an order of the court may be treated by such court as a contempt thereof.

"(d)(1) The Secretary and the EPA Administrator shall each disclose any information obtained under this part (other than section 503(d)) to the public in accordance with section 552 of title 5, United States Code, except that information may be withheld from disclosure

under subsection (b)(4) of such section only if the Secretary or the EPA Administrator, as the case may be, determines that such information, if disclosed, would result in significant competitive damage. Any matter described in section 552(b)(4) relevant to any administrative or judicial proceeding under this part may be disclosed in such proceeding.

"(2) Measurements and calculations under section 503(d) shall be made available to the public in accordance with section 552 of title 5, United States Code, without regard to subsection (b) of such section.

"LABELING

15 USC 2006.

"SEC. 506. (a)(1) Except as otherwise provided in paragraph (2), each manufacturer shall cause to be affixed, and each dealer shall cause to be maintained, on each automobile manufactured in any model year after model year 1976, in a prominent place, a label—

"(A) indicating—

"(i) the fuel economy of such automobile,

"(ii) the estimated annual fuel cost associated with the operation of such automobile, and

"(iii) the range of fuel economy of comparable automobiles (whether or not manufactured by such manufacturer), as determined in accordance with rules of the EPA Administrator,

"(B) containing a statement that written information (as described in subsection (b)(1)) with respect to the fuel economy of other automobiles manufactured in such model year (whether or not manufactured by such manufacturer) is available from the dealer in order to facilitate comparison among the various model types, and

"(C) containing any other information authorized or required by the EPA Administrator which relates to information described in subparagraph (A) or (B).

"(2) With respect to automobiles—

"(A) for which procedures established in the EPA and FEA Voluntary Fuel Labeling Program for Automobiles exist on the date of the enactment of this title, and

"(B) which are manufactured in model year 1976 and at least 90 days after such date of enactment,

each manufacturer shall cause to be affixed, and each dealer shall cause to be maintained, in a prominent place, a label indicating the fuel economy of such automobile, in accordance with such procedures.

"(3) The form and content of the labels required under paragraphs (1) and (2), and the manner in which such labels shall be affixed, shall be prescribed by the EPA Administrator by rule. The EPA Administrator may permit a manufacturer to comply with this paragraph by permitting such manufacturer to disclose the information required under this subsection on the label required by section 3 of the Automobile Information Disclosure Act (15 U.S.C. 1232).

Booklets.

"(b)(1) The EPA Administrator shall compile and prepare a simple and readily understandable booklet containing data on fuel economy of automobiles manufactured in each model year. Such booklet shall also contain information with respect to estimated annual fuel costs, and may contain information with respect to geographical or other differences in estimated annual fuel costs. The Administrator of the Federal Energy Administration shall publish and distribute such booklets.

Rules.

"(2) The EPA Administrator, not later than July 31, 1976, shall prescribe rules requiring dealers to make available to prospective

purchasers information compiled by the EPA Administrator under paragraph (1).

"(c)(1) A violation of subsection (a) shall be treated as a violation of section 3 of the Automobile Information Disclosure Act (15 U.S.C. 1232). For purposes of the Federal Trade Commission Act (other than sections 5(m) and (18), a violation of subsection (a) shall be treated as an unfair or deceptive act or practice in or affecting commerce. 15 USC 58.

"(2) As used in this section, the term 'dealer' has the same meaning as such term has in section 2(e) of the Automobile Information Disclosure Act (15 U.S.C. 1231(e)) except that in applying such term to this section, the term 'automobile' has the same meaning as such term has in section 501(1) of this part. "Dealer."

"(d) Any disclosure with respect to fuel economy or estimated annual fuel cost which is required to be made under the provisions of this section shall not create an express or implied warranty under State or Federal law that such fuel economy will be achieved, or that such cost will not be exceeded, under conditions of actual use.

"(e) In carrying out his duties under this section, the EPA Administrator shall consult with the Federal Trade Commission, the Secretary, and the Federal Energy Administrator. Consultation.

"UNLAWFUL CONDUCT

"SEC. 507. The following conduct is unlawful: 15 USC 2007.

"(1) the failure of any manufacturer to comply with any average fuel economy standard applicable to such manufacturer under section 502 (other than section 502(b)),

"(2) the failure of any manufacturer to comply with any average fuel economy standard applicable to such manufacturer under section 502(b), or

"(3) the failure of any person (A) to comply with any provision of this part applicable to such person (other than section 502, 506(a), 510, or 511), or (B) to comply with any standard, rule, or order applicable to such person which is issued pursuant to such a provision.

"CIVIL PENALTY

"SEC. 508. (a)(1) If average fuel economy calculations reported under section 503(d) indicate that any manufacturer has violated section 507 (1) or (2), then (unless further measurements of fuel economy, further calculations of average fuel economy, or other information indicates there is no violation of section 507 (1) or (2)) the Secretary shall commence a proceeding under paragraph (2) of this subsection. The results of such further measurements, further calculations, and any such other information, shall be published in the Federal Register. 15 USC 2008. Publication in Federal Register.

"(2) If, on the record after opportunity for agency hearing, the Secretary determines that such manufacturer has violated section 507 (1) or (2), or that any person has violated section 507(3), the Secretary shall assess the penalties provided for under subsection (b). Any interested person may participate in any proceeding under this paragraph.

"(3)(A)(i) Whenever the average fuel economy of the passenger automobiles manufactured by a manufacturer in a particular model year exceeds an applicable average fuel economy standard established under section 502 (a) or (c) (determined without regard to any adjust-

ment under section 502(d)), such manufacturer shall be entitled to a credit, calculated under clause (ii), which shall be—

"(I) deducted from the amount of any civil penalty which has been or may be assessed against such manufacturer for a violation of section 507(1) occurring in the model year immediately prior to the model year in which such manufacturer exceeds such applicable average fuel economy standard, and

"(II) to the extent that such credit is not deducted pursuant to subclause (I), deducted from the amount of any civil penalty assessed against such manufacturer for a violation of section 507(1) occurring in the model year immediately following the model year in which such manufacturer exceeds such applicable average fuel economy standard.

"(ii) The amount of credit to which a manufacturer is entitled under clause (i) shall be equal to—

"(I) $5 for each tenth of a mile per gallon by which the average fuel economy of the passenger automobiles manufactured by such manufacturer in the model year in which the credit is earned pursuant to clause (i) exceeds the applicable average fuel economy standard established under section 502 (a) or (c), multiplied by

"(II) the total number of passenger automobiles manufactured by such manufacturer during such model year.

"(B)(i) Whenever the average fuel economy of a class of automobiles which are not passenger automobiles and which are manufactured by a manufacturer in a particular model year exceeds an average fuel economy standard applicable to automobiles of such class under section 502(b), such manufacturer shall be entitled to a credit, calculated under clause (ii), which shall be—

"(I) deducted from the amount of any civil penalty which has been or may be assessed against such manufacturer for a violation of section 507(2) occurring in the model year immediately prior to the model year in which such manufacturer exceeds such applicable average fuel economy standard, and

"(II) to the extent that such credit is not deducted pursuant to subclause (I), deducted from the amount of any such civil penalty assessed against such manufacturer for a violation of section 507(2) occurring in the model year immediately following the model year in which such manufacturer exceeds such applicable average fuel economy standard.

"(ii) The amount of credit to which a manufacturer is entitled under clause (i) shall be equal to—

"(I) $5 for each tenth of a mile per gallon by which the average fuel economy of the automobiles of such class manufactured by such manufacturer in the model year in which the credit is earned pursuant to clause (i) exceeds the applicable average fuel economy standard established under section 502(b), multiplied by

"(II) the total number of automobiles of such class manufactured by such manufacturer during such model year.

"(C) Whenever a civil penalty has been assessed and collected under this section from a manufacturer who is entitled to a credit under this paragraph with respect to such civil penalty, the Secretary of the Treasury shall refund to such manufacturer the amount of credit to which such manufacturer is so entitled, except that the amount of such refund shall not exceed the amount of the civil penalty so collected

"(D) The Secretary may prescribe rules for purposes of carrying out the provisions of this paragraph. Rules.

"(b)(1)(A) Any manufacturer whom the Secretary determines under subsection (a) to have violated a provision of section 507(1), shall be liable to the United States for a civil penalty equal to (i) $5 for each tenth of a mile per gallon by which the average fuel economy of the passenger automobiles manufactured by such manufacturer during such model year is exceeded by the applicable average fuel economy standard established under section 502 (a) and (c), multiplied by (ii) the total number of passenger automobiles manufactured by such manufacturer during such model year. Amounts.

"(B) Any manufacturer whom the Secretary determines under subsection (a) to have violated section 507(2) shall be liable to the United States for a civil penalty equal to (i) $5 for each tenth of a mile per gallon by which the applicable average fuel economy standard exceeds the average fuel economy of automobiles to which such standard applies, and which are manufactured by such manufacturer during the model year in which the violation occurs, multiplied by (ii) the total number of automobiles to which such standard applies and which are manufactured by such manufacturer during such model year.

"(2) Any person whom the Secretary determines under subsection (a) to have violated a provision of section 507(3) shall be liable to the United States for a civil penalty of not more than $10,000 for each violation. Each day of a continuing violation shall constitute a separate violation for purposes of this paragraph.

"(3) The amount of such civil penalty shall be assessed by the Secretary by written notice. The Secretary shall have the discretion to compromise, modify, or remit, with or without conditions, any civil penalty assessed under this subsection against any person, except that any civil penalty assessed for a violation of section 507 (1) or (2) may be so compromised, modified, or remitted only to the extent— Modification.

"(A) necessary to prevent the insolvency or bankruptcy of such manufacturer,

"(B) such manufacturer shows that the violation of section 507 (1) or (2) resulted from an act of God, a strike, or a fire, or

"(C) the Federal Trade Commission has certified that modification of such penalty is necessary to prevent a substantial lessening of competition, as determined under paragraph (4).

The Attorney General shall collect any civil penalty for which a manufacturer is liable under this subsection in a civil action under subsection (c)(2) (unless the manufacturer pays such penalty to the Secretary).

"(4) Not later than 30 days after a determination by the Secretary under subsection (a)(2) that a manufacturer has violated section 507 (1) or (2), such manufacturer may apply to the Federal Trade Commission for a certification under this paragraph. If the manufacturer shows and the Federal Trade Commission determines that modification of the civil penalty for which such manufacturer is otherwise liable is necessary to prevent a substantial lessening of competition in that segment of the automobile industry subject to the standard with respect to which such penalty was assessed, the Commission shall so certify. The certification shall specify the maximum amount that such penalty may be reduced. To the maximum extent practicable, the Commission shall render a decision with respect to an application under this paragraph not later than 90 days after the application is filed with the Commission. A proceeding under this paragraph shall not have the effect of

delaying the manufacturer's liability under this section for a civil penalty for more than 90 days after such application is filed, but any payment made before a decision of the Commission under this paragraph becomes final shall be paid to the court in which the penalty is collected, and shall (except as otherwise provided in paragraph (5)), be held by such court, until 90 days after such decision becomes final (at which time it shall be paid into the general fund of the Treasury).

"(5) Whenever a civil penalty has been assessed and collected from a manufacturer under this section, and is being held by a court in accordance with paragraph (4), and the Secretary subsequently determines to modify such civil penalty pursuant to paragraph (3)(C) the Secretary shall direct the court to remit the appropriate amount of such penalty to such manufacturer.

Subordination of claims.

"(6) A claim of the United States for a civil penalty assessed against a manufacturer under subsection (b)(1) shall, in the case of the bankruptcy or insolvency of such manufacturer, be subordinate to any claim of a creditor of such manufacturer which arises from an extension of credit before the date on which the judgment in any collection action under this section becomes final (without regard to paragraph (4)).

Review.

"(c)(1) Any interested person may obtain review of a determination (A) of the Secretary pursuant to which a civil penalty has been assessed under subsection (b), or (B) of the Federal Trade Commission under subsection (b)(4), in the United States Court of Appeals for the District of Columbia, or for any circuit wherein such person resides or has his principal place of business. Such review may be obtained by filing a notice of appeal in such court within 30 days after the date of such determination, and by simultaneously sending a copy of such notice by certified mail to the Secretary or the Federal Trade Commission, as the case may be. The Secretary or the Commission, as the case may be, shall promptly file in such court a certified copy of the record upon which such determination was made. Any such determination shall be reviewed in accordance with chapter 7 of title 5, United States Code.

Notice of appeal, filing.

5 USC 701 *et seq.*

"(2) If any person fails to pay an assessment of a civil penalty after it has become a final and unappealable order, or after the appropriate court of appeals has entered final judgment in favor of the Secretary, the Attorney General shall recover the amount for which the manufacturer is liable in any appropriate district court of the United States. In such action, the validity and appropriateness of the final order imposing the civil penalty shall not be subject to review.

"EFFECT ON STATE LAW

15 USC 2009.

"SEC. 509. (a) Whenever an average fuel economy standard established under this part is in effect, no State or political subdivision of a State shall have authority to adopt or enforce any law or regulation relating to fuel economy standards or average fuel economy standards applicable to automobiles covered by such Federal standard.

"(b) Whenever any requirement under section 506 is in effect with respect to any automobile, no State or political subdivision of a State shall have authority to adopt or enforce any law or regulation with respect to the disclosure of fuel economy of such automobile, or of fuel cost associated with the operation of such automobile, if such law or regulation is not identical with such requirement.

"(c) Nothing in this section shall be construed to prevent any State or political subdivision thereof from establishing requirements with respect to fuel economy of automobiles procured for its own use.

"USE OF FUEL EFFICIENT PASSENGER AUTOMOBILES BY THE FEDERAL GOVERNMENT

"SEC. 510. (a) The President shall, within 120 days after the date of enactment of this title, promulgate rules which shall require that all passenger automobiles acquired by all executive agencies in each fiscal year which begins after such date of enactment achieve a fleet average fuel economy for such year not less than— Rules. 15 USC 2010.

"(1) 18 miles per gallon, or

"(2) the average fuel economy standard applicable under section 502(a) for the model year which includes January 1 of such fiscal year,

whichever is greater.

"(b) As used in this section: Definitions.

"(1) The term 'fleet average fuel economy' means (A) the total number of passenger automobiles acquired in a fiscal year to which this section applies by all executive agencies (excluding passenger automobiles designed to perform combat related missions for the Armed Forces or designed to be used in law enforcement work or emergency rescue work), divided by (B) a sum of terms, each term of which is a fraction created by dividing—

"(i) the number of passenger automobiles so acquired of a given model type, by

"(ii) the fuel economy of such model type.

"(2) The term 'executive agency' has the same meaning as such term has for purposes of section 105 of title 5, United States Code.

"(3) The term 'acquired' means leased for a period of 60 continuous days or more, or purchased.

"RETROFIT DEVICES

"SEC. 511. (a) The Federal Trade Commission shall establish a program for systematically examining fuel economy representations made with respect to retrofit devices. Whenever the Commission has reason to believe that any such representation may be inaccurate, it shall request the EPA Administrator to evaluate, in accordance with subsection (b), the retrofit device with respect to which such representation was made. Examination program. 15 USC 2011.

"(b)(1) Upon application of any manufacturer of a retrofit device (or prototype thereof), upon the request of the Federal Trade Commission pursuant to subsection (a), or upon his own motion, the EPA Administrator shall evaluate, in accordance with rules prescribed under subsection (d), any retrofit device to determine whether the retrofit device increases fuel economy and to determine whether the representations (if any) made with respect to such retrofit device are accurate.

"(2) If under paragraph (1) the EPA Administrator tests, or causes to be tested, any retrofit device upon the application of a manufacturer of such device, such manufacturer shall supply, at his own expense, one or more samples of such device to the Administrator and shall be liable for the costs of testing which are incurred by the Administrator. The procedures for testing retrofit devices so supplied may include a requirement for preliminary testing by a qualified independent testing laboratory, at the expense of the manufacturer of such device.

"(c) The EPA Administrator shall publish in the Federal Register a summary of the results of all tests conducted under this section, together with the EPA Administrator's conclusions as to— Publication in Federal Register.

"(1) the effect of any retrofit device on fuel economy;

"(2) the effect of any such device on emissions of air pollutants; and

"(3) any other information which the Administrator determines to be relevant in evaluating such device.

Such summary and conclusions shall also be submitted to the Secretary and the Federal Trade Commission.

"(d) Within 180 days after the date of enactment of this title, the EPA Administrator shall, by rule, establish—

"(1) testing and other procedures for evaluating the extent to which retrofit devices affect fuel economy and emissions of air pollutants, and

"(2) criteria for evaluating the accuracy of fuel economy representations made with respect to retrofit devices.

"Retrofit device."

"(e) For purposes of this section the term 'retrofit device' means any component, equipment, or other device—

"(1) which is designed to be installed in or on an automobile (as an addition to, as a replacement for, or through alteration or modification of, any original component, equipment, or other device); and

"(2) which any manufacturer, dealer, or distributor of such device represents will provide higher fuel economy than would have resulted with the automobile as originally equipped,

as determined under rules of the Administrator. Such term also includes a fuel additive for use in an automobile.

"REPORTS TO CONGRESS

15 USC 2012.

"SEC. 512. (a) Within 180 days after the date of enactment of this title, the Secretary shall prepare and submit to the Congress and the President a comprehensive report setting forth findings and containing conclusions and recommendations with respect to (1) a requirement that each new automobile be equipped with a fuel flow instrument reading directly in miles per gallon, and (2) the most feasible means of equipping used automobiles with such instruments. Such report shall include an examination of the effectiveness of such instruments in promoting voluntary reductions in fuel consumption, the cost of such instruments, means of encouraging automobile purchasers to voluntarily purchase automobiles equipped with such instruments, and any other factor bearing on the cost and effectiveness of such instruments and their use.

"(b)(1) Within 180 days after the date of enactment of this title, the Secretary shall prepare and submit to the Congress and the President a comprehensive report setting forth findings and containing conclusions and recommendations with respect to whether or not electric vehicles and other vehicles not consuming fuel (as defined in the first sentence of section 501(5)) should be covered by this part. Such report shall include an examination of the extent to which any such vehicle should be included under the provisions of this part, the manner in which energy requirements of such vehicles may be compared with energy requirements of fuel-consuming vehicles, the extent to which inclusion of such vehicles would stimulate their production and introduction into commerce, and any recommendations for legislative action.

"Electric vehicle."

"(2) As used in this subsection, the term 'electric vehicle' means a vehicle powered primarily by an electric motor drawing current from rechargeable batteries, fuel cells, or other portable sources of electrical current.".

PART B—ENERGY CONSERVATION PROGRAM FOR CONSUMER PRODUCTS OTHER THAN AUTOMOBILES

DEFINITIONS

SEC. 321. (a) For purposes of this part: 42 USC 6291.

(1) The term "consumer product" means any article (other than an automobile, as defined in section 501(1) of the Motor Vehicle Information and Cost Savings Act) of a type— *Ante*, p. 901.

(A) which in operation consumes, or is designed to consume, energy; and

(B) which, to any significant extent, is distributed in commerce for personal use or consumption by individuals;

without regard to whether such article of such type is in fact distributed in commerce for personal use or consumption by an individual.

(2) The term "covered product" means a consumer product of a type specified in section 322.

(3) The term "energy" means electricity, or fossil fuels. The Administrator may, by rule, include other fuels within the meaning of the term "energy" if he determines that such inclusion is necessary or appropriate to carry out the purposes of this Act.

(4) The term "energy use" means the quantity of energy directly consumed by a consumer product at point of use, determined in accordance with test procedures under section 323.

(5) The term "energy efficiency" means the ratio of the useful output of services from a consumer product to the energy use of such product, determined in accordance with test procedures under section 323.

(6) The term "energy efficiency standard" means a performance standard—

(A) which prescribes a minimum level of energy efficiency for a covered product, determined in accordance with test procedures prescribed under section 323, and

(B) which includes any other requirements which the Administrator may prescribe under section 325(c).

(7) The term "estimated annual operating cost" means the aggregate retail cost of the energy which is likely to be consumed annually in representative use of a consumer product, determined in accordance with section 323.

(8) The term "measure of energy consumption" means energy use, energy efficiency, estimated annual operating cost, or other measure of energy consumption.

(9) The term "class of covered products" means a group of covered products, the functions or intended uses of which are similar (as determined by the Administrator).

(10) The term "manufacture" means to manufacture, produce, assemble or import.

(11) The terms "import" and "importation" mean to import into the customs territory of the United States.

(12) The term "manufacturer" means any person who manufactures a consumer product.

(13) The term "retailer" means a person to whom a consumer product is delivered or sold, if such delivery or sale is for purposes of sale or distribution in commerce to purchasers who buy such product for purposes other than resale.

(14) The term "distributor" means a person (other than a manufacturer or retailer) to whom a consumer product is delivered or sold for purposes of distribution in commerce.

(15) (A) The term "private labeler" means an owner of a brand or trademark on the label of a consumer product which bears a private label.

(B) A consumer product bears a private label if (i) such product (or its container) is labeled with the brand or trademark of a person other than a manufacturer of such product, (ii) the person with whose brand or trademark such product (or container) is labeled has authorized or caused such product to be so labeled, and (iii) the brand or trademark of a manufacturer of such product does not appear on such label.

(16) The terms "to distribute in commerce" and "distribution in commerce" mean to sell in commerce, to import, to introduce or deliver for introduction into commerce, or to hold for sale or distribution after introduction into commerce.

(17) The term "commerce" means trade, traffic, commerce, or transportation—

(A) between a place in a State and any place outside thereof, or

(B) which affects trade, traffic, commerce, or transportation described in subparagraph (A).

(18) The term "Commission" means the Federal Trade Commission.

COVERAGE

42 USC 6292.

SEC. 322. (a) A consumer product is a covered product if it is one of the following types (or is designed to perform a function which is the principal function of any of the following types):

(1) Refrigerators and refrigerator-freezers.
(2) Freezers.
(3) Dishwashers.
(4) Clothes dryers.
(5) Water heaters.
(6) Room air conditioners.
(7) Home heating equipment, not including furnaces.
(8) Television sets.
(9) Kitchen ranges and ovens.
(10) Clothes washers.
(11) Humidifiers and dehumidifiers.
(12) Central aid conditioners.
(13) Furnaces.
(14) Any other type of consumer product which the Administrator classifies as a covered product under subsection (b).

(b) (1) The Administrator may classify a type of consumer product as a covered product if he determines that—

(A) classifying products of such type as covered products is necessary or appropriate to carry out the purposes of this Act, and

(B) average annual per-household energy use by products of such type is likely to exceed 100 kilowatt-hours (or its Btu equivalent) per year.

Definitions.

(2) For purposes of this subsection:

(A) The term "average annual per-household energy use with respect to a type of product means the estimated aggregate annual energy use (in kilowatt-hours or the Btu equivalent) of consumer

products of such type which are used by households in the United States, divided by the number of such households which use products of such type.

(B) The Btu equivalent of one kilowatt-hour is 3,412 British thermal units.

(C) The term "household" shall be defined under rules of the Administrator.

TEST PROCEDURES

SEC. 323. (a)(1) The Administrator shall, during the 30-day period which begins on the date of enactment of this Act, afford interested persons an opportunity to present written data, views, and arguments with respect to test procedures to be developed for covered products of each of the types specified in paragraphs (1) through (13) of section 322(a). 42 USC 6293.

(2) The Administrator shall direct the National Bureau of Standards to develop test procedures for the determination of (A) estimated annual operating costs of covered products of the types specified in paragraphs (1) through (13) of section 322(a), and (B) at least one other useful measure of energy consumption of such products which the Administrator determines is likely to assist consumers in making purchasing decisions.

(3) Except as provided in paragraph (6), the Administrator shall publish proposed test procedures with respect to all covered products of each of the types specified in paragraphs (1) through (13) of section 322(a), and shall afford interested persons an opportunity to present oral and written data, views, and arguments with respect to such proposed test procedures. Such comment period shall not be less than 45 days. Such proposed test procedures shall be published not later than June 30, 1976, except that (A) in the case of covered products of the types specified in paragraphs (7) and (9) of section 322(a), such proposed test procedures shall be published not later than September 30, 1976, and (B) in the case of covered products of the types specified in paragraphs (10) and (13) of section 322(a), such proposed test procedures shall be published not later than June 30, 1977. Publication.

(4)(A) Except as provided in paragraph (6), the Administrator shall prescribe test procedures for the determination of (i) estimated annual operating costs of all covered products of each of the types specified in paragraphs (1) through (13) of section 322(a), and (ii) at least one other measure of energy consumption of such products which the Administrator determines is likely to assist consumers in making purchasing decisions.

(B) Such test procedures shall be prescribed not later than September 30, 1976, except that (i) in the case of covered products of the types specified in paragraphs (7) and (9) of section 322(a), such procedures shall be prescribed not later than December 31, 1976, and (ii) in the case of covered products of the types specified in paragraphs (10) through (13) of section 322(a), such test procedures shall be published not later than September 30, 1977.

(5) If the Administrator has classified a type of product as a covered product under section 322(b), the Administrator may, after affording interested persons an opportunity to comment, direct the National Bureau of Standards to develop, and may publish proposed test procedures for such type of covered product (or class thereof).

The Administrator shall afford interested persons an opportunity to present oral and written data, views, and arguments with respect to such proposed test procedures. Such comment period shall not be less than 45 days. The Administrator may thereafter prescribe test procedures in accordance with subsection (b) of this section with respect to such type or class of product, if the Administrator or the Commission determines that—

(A) the application of subsection (C) to such type of covered product (or class thereof) will assist consumers in making purchasing decisions, or

(B) labeling in accordance with section 324 will assist purchasers in making purchasing decisions.

Publication in Federal Register.

(6) The Administrator may delay the publication of proposed test procedures or the prescription of test procedures for a type of covered product (or class thereof) beyond the dates specified in paragraph (3), or (4), if he determines that he cannot, within the applicable time period, publish proposed test procedures or prescribe test procedures applicable to such type (or class thereof) which meet the requirements of subsection (b), and publishes such determination in the Federal Register. In any such case, he shall publish proposed test procedures or prescribe test procedures for covered products of such type (or class thereof) as soon as practicable, unless he determines that test procedures cannot be developed which meet the requirements of subsection (b) and publishes such determination in the Federal Register, together with the reasons therefor.

Publication in Federal Register.

(b) (1) Any test procedures prescribed under this section shall be reasonably designed to produce test results which reflect energy efficiency, energy use, or estimated annual operating cost of a covered product during a representative average use cycle (as determined by the Administrator), and shall not be unduly burdensome to conduct.

(2) If the test procedure is a procedure for determining estimated annual operating costs, such procedure shall provide that such costs shall be calculated from measurements of energy use in a representative average-use cycle (as determined by the Administrator), and from representative average unit costs of the energy needed to operate such product during such cycle. The Administrator shall provide information to manufacturers respecting representative average unit costs of energy.

(c) Effective 90 days after a test procedure rule applicable to a covered product is prescribed under this section, no manufacturer, distributor, retailer, or private labeler may make any representation—

(1) in writing (including a representation on a label), or

(2) in any broadcast advertisement,

respecting the energy consumption of such product or cost of energy consumed by such product, unless such product has been tested in accordance with such test procedure and such representation fairly discloses the results of such testing.

LABELING

Rules.
42 USC 6294.

SEC. 324. (a) (1) The Commission shall prescribe labeling rules under this section applicable to all covered products of each of the types specified in paragraphs (1) through (9) of section 322(a), except to the extent that, with respect to any such type (or class thereof)—

(A) the Administrator determines under the second sentence of section 323(a)(6) that test procedures cannot be developed which meet the requirements of section 323(b); or

(B) the Commission determines under the second sentence of subsection (b)(5) that labeling in accordance with this section is not technologically or economically feasible.

(2) The Commission shall prescribe labeling rules under this section applicable to all covered products of each of the types specified in paragraphs (10) through (13) of section 322(a), except to the extent that with respect to any such type (or class thereof)—

(A) the Administrator determines under the second sentence of section 323(a)(6) that test procedures cannot be developed which meet the requirements of section 323(b); or

(B) the Commission determines under the second sentence of subsection (b)(5) that labeling in accordance with this section is not technologically or economically feasible or is not likely to assist consumers in making purchasing decisions.

(3) The Commission may prescribe a labeling rule under this section applicable to covered products of a type specified in paragraph (14) of section 322(a) (or a class thereof) if—

(A) the Commission or the Administrator has made a determination with respect to such type (or a class thereof) under section 323(a)(5)(B),

(B) the Administrator has prescribed test procedures under section 323(a)(5) for such type (or class thereof), and

(C) the Commission determines with respect to such type (or class thereof) that application of labeling rules under this section to such type (or class thereof) is economically and technologically feasible.

(4) Any determination under this subsection shall be published in the Federal Register. Publication in Federal Register.

(b)(1) Not later than 30 days after the date on which a proposed test procedure applicable to a covered product of any of the types specified in paragraphs (1) through (14) of section 322(a) (or class thereof) is published under section 323(a), the Commission shall publish a proposed labeling rule applicable to such type (or class thereof).

(2) The Commission shall afford interested persons an opportunity to present written or oral data, views, and comments with respect to the proposed labeling rules published under paragraph (1). The period for such presentations shall not be less than 45 days.

(3) Not earlier than 45 days nor later than 60 days after the date on which test procedures are prescribed under section 323 with respect to covered products of any type (or class thereof) specified in paragraphs (1) through (13) of section 322(a), the Commission shall prescribe labeling rules with respect to covered products of such type (or class thereof). Not earlier than 45 days after the date on which test procedures are prescribed under section 323 with respect to covered products of a type specified in paragraph (14) of section 322(a), the Commission may prescribe labeling rules with respect to covered products of such type (or class thereof).

(4) A labeling rule prescribed under paragraph (3) shall take effect not later than 3 months after the date of prescription of such rule, except that such rules may take effect not later than 6 months after such date of prescription if the Commission determines that such

extension is necessary to allow persons subject to such rules adequate time to come into compliance with such rules.

Publication in Federal Register.

(5) The Commission may delay the publication of a proposed labeling rule, or the prescription of a labeling rule, beyond the dates specified in paragraph (1) or (3), if it determines that it cannot publish proposed labeling rules or prescribe labeling rules which meet the requirements of this section on or prior to the date specified in the applicable paragraph and publishes such determination in the Federal Register, together with the reasons therefor. In any such case, it shall publish proposed labeling rules or prescribe labeling rules for covered products of such type (or class thereof) as soon as practicable unless it determines (A) that labeling in accordance with this section is not economically or technically feasible, or (B) in the case of a type specified in paragraphs (10) through (13) of section 322(a), that labeling in accordance with this section is not likely to assist consumers in purchasing decisions. Any such determination shall be published in the Federal Register, together with the reasons therefor. This paragraph shall not apply to the prescription of a labeling rule with respect to covered products of a type specified in paragraph (14) of section 322(a).

Publication in Federal Register.

(c)(1) Subject to paragraph (6), a rule prescribed under this section shall require that each covered product in the type or class of covered products to which the rule applies bear a label which discloses—

(A) the estimated annual operating cost of such product (determined in accordance with test procedures prescribed under section 323), except that if—

(i) the Administrator determines that disclosure of estimated annual operating cost is not technologically feasible, or

(ii) the Commission determines that such disclosure is not likely to assist consumers in making purchasing decisions or is not economically feasible,

the Commission shall require disclosure of a different useful measure of energy consumption (determined in accordance with test procedures prescribed under section 323); and

(B) information respecting the range of estimated annual operating costs for covered products to which the rule applies; except that if the Commission requires disclosure under subparagraph (A) of a measure of energy consumption different from estimated annual operating cost, then the label shall disclose the range of such measure of energy consumption of covered products to which such rule applies.

(2) A rule under this section shall include the following:

(A) A description of the type or class of covered products to which such rule applies.

(B) Subject to paragraph (6), information respecting the range of estimated annual operating costs or other useful measure of energy consumption (determined in such manner as the rule may prescribe) for such type or class of covered products.

(C) A description of the test procedures under section 323 used in determining the estimated annual operating costs or other measure of energy consumption of the type or class of covered products.

(D) A prototype label and directions for displaying such label.

(3) A rule under this section shall require that the label be displayed in a manner that the Commission determines is likely to assist consumers in making purchasing decisions and is appropriate to carry out this part. The Commission may permit a tag to be used in lieu of a label in any case in which the Commission finds that a tag will carry out the purposes for which the label was intended.

(4) A rule under this section applicable to a covered product may require disclosure, in any printed matter displayed or distributed at the point of sale of such product, of any information which may be required under this section to be disclosed on the label of such product. Requirements under this paragraph shall not apply to any broadcast advertisement or any advertisement in any newspaper, magazine, or other periodical.

(5) The Commission may require that a manufacturer of a covered product to which a rule under this section applies—

(A) include on the label,

(B) separately attach to the product, or

(C) ship with the product,

additional information relating to energy consumption, if the Commission determines that such additional information would assist consumers in making purchasing decisions or in using such product, and that such requirement would not be unduly burdensome to manufacturers.

(6) The Commission may delay the effective date of the requirement specified in paragraph (1)(B) of this subsection applicable to a type or class of covered product, insofar as it requires the disclosure on the label of information respecting range of a measure of energy consumption, for not more than 12 months after the date on which the rule under this section is first applicable to such type or class, if the Commission determines that such information will not be available within an adequate period of time before such date.

(d) A rule under this section (or an amendment thereto) shall not apply to any covered product the manufacture of which was completed prior to the effective date of such rule or amendment, as the case may be.

(e) The Administrator, in consultation with the Commission, shall study consumer products for which labeling rules under this section have not been proposed, in order to determine (1) the aggregate energy consumption of such products, and (2) whether the imposition of labeling requirements under this section would be feasible and useful to consumers in making purchasing decisions. The Administrator shall include the results of such study in the annual report under section 338.

(f) The Administrator and the Commission shall consult with each other on a continuing basis as may be necessary or appropriate to carry out their respective responsibilities under this part. Before the Commission makes any determination under subsection (a) (1) or (2), it shall obtain the views of the Administrator and shall take such views into account in making such determination. Consultation.

(g) Until such time as labeling rules under this section take effect with respect to a type or class of covered product, this section shall not affect any authority of the Commission under the Federal Trade Commission Act to require labeling with respect to energy consumption of such type or class of covered product.

ENERGY EFFICIENCY STANDARDS

SEC. 325. (a)(1)(A) Not later than 180 days after the date of enactment of this Act, the Administrator shall, by rule, prescribe an 42 USC 6295.

energy efficiency improvement target for each type of covered product specified in paragraphs (1) through (10) of section 322(a).

(B) The targets prescribed under subparagraph (A) shall be designed so that, if met, the aggregate energy efficiency of covered products of all types specified in paragraphs (1) through (10) of section 322(a) which are manufactured in calendar year 1980 will exceed the aggregate energy efficiency achieved by products of all such types manufactured in calendar year 1972 by a percentage which is the maximum percentage improvement which the Administrator determines is economically and technologically feasible, but which in any case is not less than 20 percent.

(2) Not later than one year after the date of enactment of this Act, the Administrator shall, by rule, prescribe an energy efficiency improvement target for each type of covered products specified in paragraphs (11), (12), and (13) of section 322(a). Each such target shall be designed to achieve the maximum improvement in energy efficiency which the Administrator determines is economically and technologically feasible to attain for each such type manufactured in calendar year 1980.

(3) The Administrator may, from time to time, by rule, modify any energy efficiency improvement target prescribed under paragraph (1) or (2) so long as such target, as modified, meets the applicable requirements of paragraph (1) or (2).

Reports.

(4)(A) The Administrator shall require each manufacturer of covered products of the types specified in paragraphs (1) through (13) of section 332(a) to submit such reports, with respect to improvement of energy efficiency of such products, as the Administrator determines may be necessary to establish targets under this subsection or to ascertain whether covered products of any such type will achieve the percentage improvement prescribed by the energy efficiency improvement target for such type.

(B) If, on the basis of the reports received under subparagraph (A) or other information available to the Administrator, he determines that an energy efficiency improvement target applicable to any type of covered product specified in paragraphs (1) through (13) of section 322(a) is not likely to be achieved, the Administrator shall commence a proceeding under subsection (b) to prescribe an energy efficiency standard for such type.

(C) If, in a proceeding required to be commenced under subparagraph (B), the Administrator determines with respect to the type of product to which the proceeding relates (or class thereof)—

(i) improvement of energy efficiency of covered products of such type (or class thereof) is technologically feasible and economically justified, and

(ii) the application of a labeling rule under section 324 applicable to such type (or class thereof) is not likely to be sufficient to induce manufacturers to produce, and consumers and other persons to purchase, covered products of such type (or class thereof) which achieve the maximum energy efficiency which it is technologically feasible to attain, and which is economically justified,

the Administrator shall prescribe an energy efficiency standard for such type (or, if the determinations are made with respect to one or more classes of such type, for such class or classes).

(D) For purposes of subparagraph (B), improvement of energy efficiency is economically justified if it is economically feasible the

benefits of reduced energy consumption, and the savings in operating costs throughout the estimated average life of the covered product, outweigh—

(i) any increase to purchasers in initial charges for, or maintenance expenses of, the covered product which is likely to result from the imposition of the standard,

(ii) any lessening of the utility or the performance of the covered product, and

(iii) any negative effects on competition.

(E) For purposes of subparagraph (D)(iii), the Administrator shall not determine that there are any negative effects on competition, unless the Attorney General (on request of the Administrator, the Commission, or any person, or on his own motion) makes such determination and submits it in writing to the Administrator, together with his analysis of the nature and extent of such negative effects. The determination of the Attorney General shall be available for public inspection.

(5) The Administrator may (without regard to paragraphs (1) through (4)(B)) commence a proceeding to prescribe an energy efficiency standard applicable to any type or class of covered product (other than a consumer product classified as a covered product under section 322(b)). In such proceeding he may prescribe such a standard if he makes the determinations specified in clauses (i) and (ii) of paragraph (4)(C) of this subsection.

(b) Any energy efficiency standard shall be prescribed in accordance with the following procedure: Publication in Federal Register.

(1) The Administrator shall (A) publish an advance notice of proposed rulemaking which specifies (i) the type or class of covered products to which the rule will apply, and (ii) the energy efficiency level which the Administrator proposes to require by such energy efficiency standard, and (B) invite interested persons to submit, within 90 days after the date of publication of such advance notice—

(i) written or oral presentations of data, views, and argument as to the proposed level of energy efficiency, and

(ii) a proposed energy efficiency standard applicable to such type or class of covered product.

(2) A proposed rule which prescribes an energy efficiency standard for a type or class of covered products may not be prescribed earlier than 120 days after the date of publication of advance notice of proposed rulemaking for such type or class.

(3) A rule prescribing an energy efficiency standard for a class or type of covered product may not be published earlier than 60 days after the date of publication of the proposed rule under this section for such type or class. Such rule shall take effect not earlier than 180 days after the date of its publication in the Federal Register. Such rule (or any amendment thereto) shall not apply to any covered product the manufacture of which was completed prior to the effective date of the rule or amendment as the case may be.

(c) An energy efficiency standard prescribed under this section shall include test procedures prescribed in accordance with section 323, and may include any requirement which the Administrator determines is necessary to assure that each covered product to which such standard applies meets the required minimum level of energy efficiency specified in such standard.

(d) A rule with respect to any type or class of covered product prescribed under this section may not take effect unless a rule under section 324 with respect to such type or class of covered product has

been in effect at least 18 months prior to the effective date of the rule under this section.

REQUIREMENTS OF MANUFACTURERS

42 USC 6296.

SEC. 326. (a) Each manufacturer of a covered product to which a rule under section 324 applies shall provide a label which meets, and is displayed in accordance with, the requirements of such rule. If such manufacturer or any distributor, retailer, or private labeler of such product advertises such product in a catalog from which it may be purchased, such catalog shall contain all information required to be displayed on the label, except as otherwise provided by rule of the Commission. The preceding sentence shall not require that a catalog contain information respecting a covered product if the distribution of such catalog commenced before the effective date of the labeling rule under section 324 applicable to such product.

(b)(1) Each manufacturer of a covered product to which a rule under section 324 applies shall notify the Commission, not later than 60 days after the date such rule takes effect, of the models in current production (and starting serial numbers of those models) to which such rule applies.

(2) If requested by the Administrator or Commission, the manufacturer of a covered product to which a rule under section 324 applies shall provide, within 30 days of the date of the request, the data from which the information included on the label and required by the rule was derived. Data shall be kept on file by the manufacturer for a period specified in the rule.

(3) When requested by the Commission, the manufacturer of covered products to which a rule under section 324 applies shall supply at his expense a reasonable number of such covered products to any laboratory designated by the Commission for the purpose of ascertaining whether the information set out on the label, as required under section 324, is accurate. Any reasonable charge levied by the laboratory for such testing shall be borne by the United States.

(4) Each manufacturer of a covered product to which a rule under section 324 applies shall annually, at a time specified by the Commission, supply to the Commission relevant data respecting energy consumption developed in accordance with the test procedures applicable to such product under section 323.

(5) A rule under section 323, 324, or 325 may require the manufacturer or his agent to permit a representative designated by the Commission or the Administrator to observe any testing required by this part and inspect the results of such testing.

(c) Each manufacturer shall use labels reflecting the range data required to be disclosed under section 324(c)(1)(B) after the expiration of 60 days following the date of publication of any revised table of ranges unless the rule under section 324 provides for a later date. The Commission may not require labels be changed to reflect revised tables of ranges more often than annually.

EFFECT ON OTHER LAW

42 USC 6297.

SEC. 327. (a) This part supersedes any State regulation insofar as such State regulation may now or hereafter provide for—

(1) the disclosure of information with respect to any measure of energy consumption of any covered product—

(A) if there is any rule under section 323 applicable to such covered product, and such State regulation requires test-

ing in any manner other than that prescribed in such rule under section 323, or

(B) if there is a rule under section 324 applicable to such covered product and such State regulation requires disclosure of information other than information disclosed in accordance with such rule under section 324; or

(2) any energy efficiency standard or similar requirement with respect to energy efficiency or energy use of a covered product—

(A) if there is a standard under section 325 applicable to such product, and such State regulation is not identical to such standard, or

(B) if there is a rule under section 323 or 324 applicable to such product and such State regulation requires testing in accordance with test procedures which are not identical to the test procedures specified in such rule.

Petition.

(b) (1) If a State regulation provides for an energy efficiency standard or similar requirement respecting energy use or energy efficiency of a covered product and if such State regulation is not superseded by subsection (a) (2), then any person subject to such State regulation may petition the Administrator for the prescription of a rule under this subsection which supersedes such State regulation in whole or in part. The Administrator shall, within 6 months after the date such a petition is filed, either deny such petition or prescribe a rule under this subsection superseding such State regulation. The Administrator shall issue such a rule with respect to a State regulation if and only if the petitioner demonstrates to the satisfaction of the Administrator that—

(A) there is no significant State or local interest sufficient to justify such State regulation; and

(B) such State regulation unduly burdens interstate commerce.

(2) Notwithstanding the provisions of subsection (a), any State regulation which provides for an energy efficiency standard or similar requirement respecting energy use or energy efficiency of a covered product shall not be superseded by subsection (a) if the State prescribing such standard demonstrates and the Administrator finds, by rule, that—

(A) there is a substantial State or local need which is sufficient to justify such State regulation;

(B) such State regulation does not unduly burden interstate commerce; and

(C) if there is a Federal energy efficiency standard applicable to such product, such State regulation contains a more stringent energy efficiency standard than the corresponding Federal standard.

(c) Notwithstanding the provisions of subsection (a), any State regulation which sets forth procurement standards for a State (or political subdivision thereof) shall not be superseded by the provisions of this part if such State standards are more stringent than the corresponding Federal standards.

"State regulation."

(d) For purposes of this section, the term "State regulation" means a law or regulation of a State or political subdivision thereof.

(e) Any disclosure with respect to energy use, energy efficiency, or estimated annual operating cost, which is required to be made under the provisions of this part, shall not create an express or implied warranty under State or Federal law that such energy efficiency will be achieved, or that such energy use or estimated annual operating cost will not be exceeded, under conditions of actual use.

RULES

42 USC 6298. SEC. 328. The Commission and the Administrator may each issue such rules as each deems necessary to carry out the provisions of this part.

AUTHORITY TO OBTAIN INFORMATION

Subpenas. 42 USC 6299. SEC. 329. (a) For purposes of carrying out this part, the Commission and the Administrator may each sign and issue subpenas for the attendance and testimony of witnesses and the production of relevant books, records, papers, and other documents, and may each administer oaths. Witnesses summoned under the provisions of this section shall be paid the same fees and mileage as are paid to witnesses in the courts of the United States. In case of contumacy by, or refusal to obey a subpena served, upon any persons subject to this part, the Commission and the Administrator may each seek an order from the district court of the United States for any district in which such person is found or resides or transacts business requiring such person to appear and give testimony, or to appear and produce documents. Failure to obey any such order is punishable by such court as a contempt thereof.

Witness fees.

(b) Any information submitted by any person to the Administrator or the Commission under this part shall not be considered energy information as defined by section 11(e)(1) of the Energy Supply and Environmental Coordination Act of 1974 for purposes of any verification examination authorized to be conducted by the Comptroller General under section 501 of this Act.

15 USC 796.

Post, p. 956.

EXPORTS

42 USC 6300. SEC. 330. This part shall not apply to any covered product if (1) such covered product is manufactured, sold, or held for sale for export from the United States (or such product was imported for export), unless such product is in fact distributed in commerce for use in the United States, and (2) such covered product when distributed in commerce, or any container in which it is enclosed when so distributed, bears a stamp or label stating that such covered product is intended for export.

IMPORTS

42 USC 6301. SEC. 331. Any covered product offered for importation in violation of section 332 shall be refused admission into the customs territory of the United States under rules issued by the Secretary of the Treasury, except that the Secretary of the Treasury may, by such rules, authorize the importation of such covered product upon such terms and conditions (including the furnishing of a bond) as may appear to him appropriate to ensure that such covered product will not violate section 332, or will be exported or abandoned to the United States. The Secretary of the Treasury shall prescribe rules under this section not later than 180 days after the date of enactment of this Act.

Rules.

PROHIBITED ACTS

42 USC 6302. SEC. 332. (a) It shall be unlawful—

(1) for any manufacturer or private labeler to distribute in commerce any new covered product to which a rule under section 324 applies, unless such covered product is labeled in accordance with such rule;

(2) for any manufacturer, distributor, retailer, or private labeler to remove from any new covered product or render illegible

any label required to be provided with such product under a rule under section 324;

(3) for any manufacturer to fail to permit access to, or copying of, records required to be supplied under this part, or fail to make reports or provide other information required to be supplied under this part;

(4) for any person to fail to comply with an applicable requirement of section 326 (a), (b)(2), (b)(3), or (b)(5); or

(5) for any manufacturer or private labeler to distribute in commerce any new covered product which is not in conformity with an applicable energy efficiency standard prescribed under this part.

"New covered product."

(b) For purposes of this section, the term "new covered product" means a covered product the title of which has not passed to a purchaser who buys such product for purposes other than (1) reselling such product, or (2) leasing such product for a period in excess of one year.

ENFORCEMENT

Penalties. 42 USC 6303.

SEC. 333. (a) Except as provided in subsection (b), any person who knowingly violates any provision of section 332 shall be subject to a civil penalty of not more than $100 for each violation. Such penalties shall be assessed by the Commission, except that penalties for violations of section 332(a)(3) which relate to requirements prescribed by the Administrator, violations of section 332(a)(4) which relate to requests of the Administrator under section 326(b)(2), or violations of section 332(a)(5) shall be assessed by the Administrator. Civil penalties assessed under this part may be compromised by the agency or officer authorized to assess the penalty, taking into account the nature and degree of the violation and the impact of the penalty upon a particular respondent. Each violation of paragraph (1), (2), or (5) of section 332(a) shall constitute a separate violation with respect to each covered product, and each day of violation of section 332(a)(3) or (4) shall constitute a separate violation.

"Knowingly."

(b) As used in subsection (a), the term "knowingly" means (1) the having of actual knowledge, or (2) the presumed having of knowledge deemed to be possessed by a reasonable man who acts in the circumstances, including knowledge obtainable upon the exercise of due care.

15 USC 45.

(c) It shall be an unfair or deceptive act or practice in or affecting commerce (within the meaning of section 5(a)(1) of the Federal Trade Commission Act) for any person to violate section 323(d)(2).

INJUNCTIVE ENFORCEMENT

Jurisdiction. 42 USC 6304.

SEC. 334. The United States district courts shall have jurisdiction to restrain (1) any violation of section 332 and (2) any person from distributing in commerce any covered product which does not comply with an applicable rule under section 324 or 325. Any such action shall be brought by the Commission, except that any such action to restrain any violation of section 332(a)(3) which relates to requirements prescribed by the Administrator, any violation of section 332(a)(4) which relates to requests of the Administrator under section 326(b)(2), or any violation of section 332(a)(5) shall be brought by the Administrator. Any such action may be brought in any United States district court for a district wherein any act, omission, or transaction constituting the violation occurred, or in such court for the district wherein the defendant is found or transacts business. In any action

under this section, process may be served on a defendant in any other district in which the defendant resides or may be found.

CITIZEN SUITS

42 USC 6305.

SEC. 335. (a) Except as otherwise provided in subsection (b), any person may commence a civil action against—

(1) any manufacturer or private labeler who is alleged to be in violation of any provision of this part or any rule under this part (excluding sections 325 and 332(a)(5), and rules thereunder); or

(2) any Federal agency which has a responsibility under this part where there is an alleged failure of such agency to perform any act or duty under this part which is not discretionary (excluding any act or duty under section 325 or 332(a)(5)).

Jurisdiction.

The United States district courts shall have jurisdiction, without regard to the amount in controversy or the citizenship of the parties, to enforce such provision or rule, as the case may be.

(b) No action may be commenced—

(1) under subsection (a)(1)—

(A) prior to 60 days after the date on which the plaintiff has given notice of the violation (i) to the Administrator, (ii) to the Commission, and (iii) to any alleged violator of such provision or rule, or

(B) if the Commission has commenced and is diligently prosecuting a civil action to require compliance with such provision or rule, but, in any such action, any person may intervene as a matter of right.

(2) under subsection (a)(2) prior to 60 days after the date on which the plaintiff has given notice of such action to the Administrator and Commission.

Notice under this subsection shall be given in such manner as the Commission shall prescribe by rule.

Intervention.

(c) In such action under this section, the Administrator or the Commission (or both), if not a party, may intervene as a matter of right.

Costs.

(d) The court, in issuing any final order in any action brought pursuant to subsection (a) of this section, may award costs of litigation (including reasonable attorney and expert witness fees) to any party, whenever the court determines such award is appropriate.

(e) Nothing in this section shall restrict any right which any person (or class of persons) may have under any statute or common law to seek enforcement of this part or any rule thereunder, or to seek any other relief (including relief against the Administrator or the Commission).

(f) For purposes of this section, if a manufacturer or private labeler complied in good faith with a rule under this part, then he shall not be deemed to have violated any provision of this part by reason of the alleged invalidity of such rule.

ADMINISTRATIVE PROCEDURE AND JUDICIAL REVIEW

42 USC 6306.

SEC. 336. (a)(1) Rules under sections 323, 324, 325(a)(1), (2), or (3), 327(b), or 328 shall be prescribed in accordance with section 553 of title 5, United States Code, except that—

(A) interested persons shall be afforded an opportunity to present written and oral data, views, and arguments with respect to any proposed rule, and

(B) in the case of a rule under paragraph (1), (2), or (3) of section 325(a), the Administrator shall, by means of conferences or other informal procedures, afford any interested person an opportunity to question—

(i) other interested persons who have made oral presentations under subparagraph (A), and

(ii) employees of the United States who have made written or oral presentations,

with respect to disputed issues of material fact. Such opportunity shall be afforded to the extent the Administrator determines that questioning pursuant to such procedures is likely to result in a more timely and effective resolution of such issues.

A transcript shall be kept of any oral presentations made under this paragraph. Transcript.

(2) Subsections (c) and (d) of section 18 of the Federal Trade Commission Act shall apply to rules under section 325 (other than subsections (a)(1), (2), and (3)) to the same extent that such subsections apply to rules under section 18(a)(1)(B) of such Act. 15 USC 57a.

(b)(1) Any person who will be adversely affected by a rule prescribed under section 323 or 324 when it is effective may, at any time prior to the sixtieth day after the date such rule is prescribed, file a petition with the United States court of appeals for the circuit wherein such person resides or has his principal place of business, for a judicial review thereof. A copy of the petition shall be forthwith transmitted by the clerk of the court to the agency which prescribed the rule. Such agency thereupon shall file in the court the written submissions to, and transcript of, the proceedings on which the rule was based as provided in section 2112 of title 28, United States Code. Petition.

(2) Upon the filing of the petition referred to in paragraph (1), the court shall have jurisdiction to review the rule in accordance with chapter 7 of title 5, United States Code, and to grant appropriate relief as provided in such chapter. No rule under section 323 or 324 may be affirmed unless supported by substantial evidence. Jurisdiction. 5 USC 701.

(3) The judgment of the court affirming or setting aside, in whole or in part, any such rule shall be final, subject to review by the Supreme Court of the United States upon certiorari or certification as provided in section 1254 of title 28, United States Code.

(4) The remedies provided for in this subsection shall be in addition to, and not in substitution for, any other remedies provided by law.

(5) Section 18(e) of the Federal Trade Commission Act shall apply to rules under section 325 (other than subsections (a) (1), (2) and (3)) to the same extent that it applies to rules under section 18(a)(1)(B) of such Act.

CONSUMER EDUCATION

SEC. 337. The Administrator shall, in close cooperation and coordination with the Commission and appropriate industry trade associations and industry members, including retailers, and interested consumer and environmental organizations, carry out a program to educate consumers and other persons with respect to— 42 USC 6307.

(1) the significance of estimated annual operating costs;

(2) the way in which comparative shopping, including comparisons of estimated annual operating costs, can save energy for the Nation and money for consumers; and

(3) such other matters as the Administrator determines may encourage the conservation of energy in the use of consumer products.

Such steps to educate consumers may include publications, audiovisual presentations, demonstrations, and the sponsorship of national and regional conferences involving manufacturers, distributors, retailers, and consumers, and State, local, and Federal Government representatives. Nothing in this section may be construed to require the compilation of lists which compare the estimated annual operating costs of consumer products by model or manufacturer's name.

ANNUAL REPORT

42 USC 6308.

SEC. 338. The Administrator shall report to the Congress and the President either (1) as part of his annual report, or (2) in a separate report submitted annually, on the progress of the program undertaken pursuant to this part and on the energy savings impact of this part.

AUTHORIZATION OF APPROPRIATIONS

42 USC 6309.

SEC. 339. (a) There are authorized to be appropriated to the Administrator not more than the following amounts to carry out his responsibilities under this part—

(1) $1,700,000 for fiscal year 1976;
(2) $1,500,000 for fiscal year 1977; and
(3) $1,500,000 for fiscal year 1978.

(b) There are authorized to be appropriated to the Commission not more than the following amounts to carry out its responsibilities under this part—

(1) $650,000 for fiscal year 1976;
(2) $700,000 for fiscal year 1977; and
(3) $700,000 for fiscal year 1978.

(c) There are authorized to be appropriated to the Administrator to be allocated not more than the following amounts—

(1) $1,100,000 for fiscal year 1976;
(2) $700,000 for fiscal year 1977; and
(3) $700,000 for fiscal year 1978.

Such amounts shall, and any amounts authorized to be appropriated under subsection (a), may be allocated by the Administrator to the National Bureau of Standards.

PART C—STATE ENERGY CONSERVATION PLANS

FINDINGS AND PURPOSE

42 USC 6321.

SEC. 361. (a) The Congress finds that—

(1) the development and implementation by States of laws, policies, programs, and procedures to conserve and to improve efficiency in the use of energy will have an immediate and substantial effect in reducing the rate of growth of energy demand and in minimizing the adverse social, economic, political, and environmental impacts of increasing energy consumption;

(2) the development and implementation of energy conservation programs by States will most efficiently and effectively minimize any adverse economic or employment impacts of changing patterns of energy use and meet local economic, climatic, geographic, and other unique conditions and requirements of each State; and

(3) the Federal Government has a responsibility to foster and promote comprehensive energy conservation programs and practices by establishing guidelines for such programs and providing

overall coordination, technical assistance, and financial support for specific State initiatives in energy conservation.

(b) It is the purpose of this part to promote the conservation of energy and reduce the rate of growth of energy demand by authorizing the Administrator to establish procedures and guidelines for the development and implementation of specific State energy conservation programs and to provide Federal financial and technical assistance to States in support of such programs.

STATE ENERGY CONSERVATION PLANS

SEC. 362. (a) The Administrator shall, by rule, within 60 days after the date of enactment of this Act, prescribe guidelines for the preparation of a State energy conservation feasibility report. The Administrator shall invite the Governor of each State to submit, within 3 months after the effective date of such guidelines, such a report. Such report shall include— Feasibility report. 42 USC 6322.

(1) an assessment of the feasibility of establishing a State energy conservation goal, which goal shall consist of a reduction, as a result of the implementation the State energy conservation plan described in this section, of 5 percent or more in the total amount of energy consumed in such State in the year 1980 from the projected energy consumption for such State in the year 1980, and

(2) a proposal by such State for the development of a State energy conservation plan to achieve such goal.

(b) The Administrator shall, by rule, within 6 months after the date of enactment of this Act, prescribe guidelines with respect to measures required to be included in, and guidelines for the development, modification, and funding of, State energy conservation plans. The Administrator shall invite the Governor of each State to submit, within 5 months after the effective date of such guidelines, a report. Such report shall include— Guidelines.

(1) a proposed State energy conservation plan designed to result in scheduled progress toward, and achievement of, the State energy conservation goal of such State; and

(2) a detailed description of the requirements, including the estimated cost of implementation and the estimated energy savings, associated with each functional category of energy conservation included in the State energy conservation plan.

(c) Each proposed State energy conservation plan to be eligible for Federal assistance under this part shall include—

(1) mandatory lighting efficiency standards for public buildings (except public buildings owned or leased by the United States);

(2) programs to promote the availability and use of carpools, vanpools, and public transportation (except that no Federal funds provided under this part shall be used for subsidizing fares for public transportation);

(3) mandatory standards and policies relating to energy efficiency to govern the procurement practices of such State and its political subdivisions;

(4) mandatory thermal efficiency standards and insulation requirements for new and renovated buildings (except buildings owned or leased by the United States); and

(5) a traffic law or regulation which, to the maximum extent practicable consistent with safety, permits the operator of a motor vehicle to turn such vehicle right at a red stop light after stopping.

(d) Each proposed State energy conservation plan may include—

(1) restrictions governing the hours and conditions of operation of public buildings (except buildings owned or leased by the United States);

(2) restrictions on the use of decorative or nonessential lighting;

(3) transportation controls;

(4) programs of public education to promote energy conservation; and

(5) any other appropriate method or programs to conserve and to improve efficiency in the use of energy.

Standby plan.

(e) The Governor of any State may submit to the Administrator a State energy conservation plan which is a standby energy conservation plan to significantly reduce energy demand by regulating the public and private consumption of energy during a severe energy supply interruption, which plan may be separately eligible for Federal assistance under this part without regard to subsections (c) and (d) of this section.

FEDERAL ASSISTANCE TO STATES

42 USC 6323.

SEC. 363. (a) Upon request of the Governor of any State, the Administrator shall provide, subject to the availability of personnel and funds, information and technical assistance, including model State laws and proposed regulations relating to energy conservation, and other assistance in—

(1) the preparation of the reports described in section 362, and

(2) the development, implementation, or modification of an energy conservation plan of such State submitted under section 362 (b) or (e).

(b)(1) The Administrator may grant Federal financial assistance pursuant to this section for the purpose of assisting such State in the development of any such energy conservation plan or in the implementation or modification of a State energy conservation plan or part thereof which has been submitted to and approved by the Administrator pursuant to this part.

(2) In determining whether to approve a State energy conservation plan submitted under section 362 (b) or (e), the Administrator—

(A) shall take into account the impact of local economic, climatic, geographic, and other unique conditions and requirements of such State on the opportunity to conserve and to improve efficiency in the use of energy in such State; and

(B) may extend the period of time during which a State energy conservation feasibility report or State energy conservation plan may be submitted if the Administrator determines that participation by the State submitting such report or plan is likely to result in significant progress toward achieving the purposes of this Act.

(3) In determining the amount of Federal financial assistance to be provided to any State under this subsection, the Administrator shall consider—

(A) the contribution to energy conservation which can reasonably be expected,

(B) the number of people affected by such plan, and

(C) the consistency of such plan with the purposes of this Act, and such other factors as the Administrator deems appropriate.

Recordkeeping.

(c) Each recipient of Federal financial assistance under subsection (b) shall keep such records as the Administrator shall require, including records which fully disclose the amount and disposition by each

recipient of the proceeds of such assistance, the total cost of the project or program for which such assistance was given or used, the source and amount of funds for such projects or programs not supplied by the Administrator, and such other records as the Administrator determines necessary to facilitate an effective audit and performance evaluation. The Administrator and Comptroller General of the United States, or any of their duly authorized representatives, shall have access for the purpose of audit and examination to any pertinent books, documents, papers, and records of any recipient of Federal assistance under this part. Access and audit.

ENERGY CONSERVATION GOALS

SEC. 364. Upon the basis of the reports submitted pursuant to this part and such other information as is available, the Administrator shall, at the earliest practicable date, set an energy conservation goal for each State for 1980 and may set interim goals. Such goal or goals shall consist of the maximum reduction in the consumption of energy during any year as a result of the implementation of the State energy conservation plan described in section 362(b) which is consistent with technological feasibility, financial resources, and economic objectives, by comparison with the projected energy consumption for such State in such year. The Administrator shall specify the assumptions used in the determination of the projected energy consumption in each State, taking into account population trends, economic growth, and the effects of national energy conservation programs. 42 USC 6324.

GENERAL PROVISIONS

SEC. 365. (a) The Administrator may prescribe such rules as may be necessary or appropriate to carry out his authority under this part. Rules. 42 USC 6325.

(b) In carrying out the provisions of sections 362 and 364 and subsection (a) of section 363, the Administrator shall consult with appropriate departments and Federal agencies. Consultation.

(c) The Administrator shall report annually to the President and the Congress, and shall furnish copies of such report to the Governor of each State, on the operation of the program under this part. Such report shall include an estimate of the energy conservation achieved, the degree of State participation and achievement, a description of innovative conservation programs undertaken by individual States, and the recommendations of the Administrator, if any, for additional legislation. Annual report to President and Congress.

(d) There are authorized to be appropriated for carrying out the provisions of this part $50,000,000 for fiscal year 1976, $50,000,000 for fiscal year 1977, and $50,000,000 for fiscal year 1978. Appropriation authorization.

DEFINITIONS

SEC. 366. As used in this part— 42 USC 6326.

(1) The term "public building" means any building which is open to the public during normal business hours.

(2) The term "transportation controls" means any plan, procedure, method, or arrangement, or any system of incentives, disincentives, restrictions, and requirements, which is designed to reduce the amount of energy consumed in transportation, except that the term does not include rationing of gasoline or diesel fuel.

PART D—INDUSTRIAL ENERGY CONSERVATION

DEFINITIONS

42 USC 6341.

SEC. 371. As used in this part—

(1) The term "chief executive officer" means, within a corporation, the individual whom the Administrator determines, for purposes of this part, is in charge of operations.

(2) The term "corporation" means a person as defined in section 3(2)(B) and includes any person so defined which controls, is controlled by, or is under common control with such person. If a corporation is engaged in more than one major energy-consuming industry, such corporation shall be treated as a separate corporation with respect to each such industry.

(3) The term "energy efficiency" means the amount of industrial output or activity per unit of energy consumed therein, as determined by the Administrator.

(4) The term "major energy-consuming industry" means a two-digit classification, within the manufacturing division of economic activity set forth in the Standard Industrial Classification (SIC) Manual by a code number, which the Administrator determines is suited to the purposes of this part.

42 USC 6342.

SEC. 372. The Administrator shall establish and maintain, in consultation with the Secretary of Commerce and the Administrator of the Energy Research and Development Administration, a program—

(1) to promote increased energy efficiency by American industry, and

(2) to establish voluntary energy efficiency improvement targets for at least the 10 most energy-consumptive major energy-consuming industries.

IDENTIFICATION OF MAJOR ENERGY CONSUMERS

42 USC 6343.

SEC. 373. Within 90 days after the date of enactment of this Act, the Administrator shall identify each major energy-consuming industry in the United States, and shall establish a priority ranking of such industries on the basis of their respective total annual energy consumption. Within each industry so identified, the Administrator shall identify each corporation which—

(1) consumes at least one trillion British thermal units of energy per year, and

(2) is among the corporations identified by the Administrator as the 50 most energy-consumptive corporations in such industry.

INDIVIDUAL ENERGY EFFICIENCY IMPROVEMENT TARGETS

42 USC 6344.

SEC. 374. (a) Within one year after the date of enactment of this Act, the Administrator shall set an industrial energy efficiency improvement target for each of the 10 most energy-consumtive industries identified under section 373. Each such target—

(1) shall be based upon the best available information,

(2) shall be established at the level which represents the maximum feasible improvement in energy efficiency which such industry can achieve by January 1, 1980, and

Publication in the Federal Register.

(3) shall be published in the Federal Register, together with a statement of the basis and justification for each such target.

(b) In determining maximum feasible improvement under subsection (a) and under subsection (c), the Administrator shall consider—

(1) the objectives of the program established under section 372,

(2) the technological feasibility and economic practicability of utilizing alternative operating procedures and more energy efficient technologies,

(3) any special circumstances or characteristics of the industry for which the target is being set, and

(4) any actions planned or implemented by each such industry to reduce consumption by such industry of petroleum products and natural gas.

(c) The Administrator may, in order to carry out section 372(1), set an industrial energy efficiency improvement target for any major energy-consuming industry to which subsection (a) does not apply. Each such target—

(1) shall be based upon the best available information,

(2) shall be established at the level which represents the maximum feasible improvement in energy efficiency which such industry can achieve by January 1, 1980, and

(3) shall be published in the Federal Register, together with a statement of the basis and justification for each such target. Publication in Federal Register.

(d) Any target established under subsection (a) or (c) may be modified at any time if the Administrator—

(1) determines that such target cannot reasonably be attained, or could reasonably be made more stringent, and

(2) publishes such determination in the Federal Register, together with a statement of the basis and justification for such modification. Publication in Federal Register.

REPORTS

SEC. 375. (a) The chief executive officer (or individual designated by such officer) of each corporation which is identified by the Administrator pursuant to section 373, and which is in an industry for which an industrial energy efficiency improvement target has been set under section 374(a), shall report to the Administrator not later than January 1, 1977, and annually thereafter, on the progress which such corporation has made in improving its energy efficiency. Such report shall contain such information as the Administrator determines is necessary to measure progress toward meeting the energy efficiency improvement target set for the industry of which such corporation is a part, except that the Administrator shall not require such report if such corporation is in an industry which has an adequate voluntary reporting program (as defined by section 376(g)). Report to EPA Administration. 42 USC 6345.

(b) The Administrator shall prepare, publish, and make available, for use in complying with the reporting requirements under subsection (a), a simple form which shall be designed in such a way as to avoid imposing an undue burden on any corporation which is required to submit reports under subsection (a). Forms.

(c) The Administrator shall prepare and submit to the Congress and to the President, and shall cause to be published, an annual report on the industrial energy efficiency program established under section 372. Each such report shall include— Annual report to Congress and President.

(1) a summary of the progress made toward the achievement of the industrial energy efficiency improvement targets set by the Administrator; and

(2) a summary of the progress made toward meeting such industrial energy efficiency improvement targets since the date of publication of the previous such report, if any.

GENERAL PROVISIONS

Jurisdiction.
42 USC 6346.

SEC. 376. (a) The district courts of the United States shall have jurisdiction, upon petition, to issue an order to the chief executive officer of any corporation subject to the reporting requirements of section 375(a), requiring such person to comply forthwith. Failure to obey such an order shall be treated by any such court as a contempt thereof.

(b) In addition to the exercise of authority under this part, the Administrator may exercise any authority he has under any provision of law (other than this part) to obtain such information with respect to industrial energy efficiency and industrial energy conservation as is necessary or appropriate to the attainment of the objectives of the program established under section 372.

(c) The Administrator shall afford interested persons an opportunity to submit written and oral data, views, and arguments prior to the establishment of any industrial energy efficiency improvement target under section 374 and prior to publication of any reporting requirements under section 375.

(d) Any information submitted by a corporation to the Administrator under this part shall not be considered energy information, as defined by section 11(e)(1) of the Energy Supply and Environmental Coordination Act of 1974, for purposes of any verification examination authorized to be conducted by the Comptroller General under section 501 of this Act.

15 USC 796.

Post, p. 956.

(e) The Administrator may not disclose any information obtained under this part which is a trade secret or other matter described in section 552(b)(4) of title 5, United States Code, disclosure of which may cause significant competitive damage; except to committees of Congress upon request of such committees. Prior to disclosing any information described in such section 552(b)(4), the Administrator shall afford the person who provided such information an opportunity to comment on the proposed disclosure.

(f) No liability shall attach, and no civil or criminal penalties may be imposed, for any failure to meet any industrial energy efficiency improvement target established under section 374 of this Act.

Exemption.

(g)(1) The Administrator shall exempt a corporation from the requirements of section 375(a) if such corporation is in an industry which has an adequate voluntary reporting program, as determined by the Administrator annually after notice and opportunity for interested persons to comment. An industry's voluntary reporting program shall be determined to be adequate only if—

(A) each corporation within such industry which is identified under section 373 fully participates in such program;

(B) all information deemed necessary by the Administrator for purposes of evaluating the progress made by such industry in achieving the industry energy efficiency improvement target set forth under section 374 is provided to the Administrator; and

(C) reports made to a trade association or other person, in connection with such program, are retained for a reasonable period of time and are available to the Administrator.

(2) If the Administrator determines that an industry's voluntary reporting program is not adequate solely on the basis that any corporation within such industry is not fully participating in such program, he shall exempt from the requirements of section 375(a) only those corporations which fully participate in such program.

(h) Nothing in this part shall limit the authority of the Administrator to require reports of energy information under any other law.

PART E—OTHER FEDERAL ENERGY CONSERVATION MEASURES

FEDERAL ENERGY CONSERVATION PROGRAMS

SEC. 381. (a)(1) The President shall, to the extent of his authority under other law, establish or coordinate Federal agency actions to develop mandatory standards with respect to energy conservation and energy efficiency to govern the procurement policies and decisions of the Federal Government and all Federal agencies, and shall take such steps as are necessary to cause such standards to be implemented. 42 USC 6361.

(2) The President shall develop and, to the extent of his authority under other law, implement a 10-year plan for energy conservation with respect to buildings owned or leased by an agency of the United States. Such plan shall include mandatory lighting efficiency standards, mandatory thermal efficiency standards and insulation requirements, restrictions on hours of operation, thermostat controls, and other conditions of operation, and plans for replacing or retrofitting to meet such standards.

(b)(1) The Administrator shall establish and carry out a responsible public education program—

(A) to encourage energy conservation and energy efficiency; or

(B) to promote van pooling and carpooling arrangements.

(2) For purposes of this subsection: Definitions.

(A) The term "van" means any automobile which the Administrator determines is manufactured primarily for use in the transportation of not less than 8 individuals and not more than 15 individuals.

(B) The term "van pooling arrangement" means an arrangement for the transportation of employees between their residences or other designated locations and their place of employment on a nonprofit basis in which the operating costs of such arrangement are paid for by the employees utilizing such arrangement.

(c) The President shall submit to the Congress an annual report concerning all steps taken under subsections (a) and (b). Annual report to Congress.

ENERGY CONSERVATION IN POLICIES AND PRACTICES OF CERTAIN FEDERAL AGENCIES

SEC. 382. (a)(1) The Civil Aeronautics Board, the Interstate Commerce Commission, the Federal Maritime Commission, the Federal Power Commission, and the Federal Aviation Administration shall each conduct a study and shall each report to the Congress within 60 days after the date of enactment of this Act with respect to energy conservation policies and practices which such agencies have instituted subsequent to October 1973. Report to Congress. 42 USC 6362.

(2) Each of the agencies specified in paragraph (1) shall, within 120 days after the date of enactment of this Act, report to the Congress with respect to the content and feasibility of proposed programs for additional savings in energy consumption by the persons regulated by each such agency which have as a minimum goal a 10-percent reduction, within 12 months of the institution of such programs, in energy consumption from the amount of energy consumed during calendar 1972, including any legislative recommendations each such agency finds are necessary to achieve such goal. Report to Congress.

(3) Each of the agencies specified in paragraph (1) shall conduct a study and prepare a report with respect to any requirement of any law administered by such agency or any major regulatory action which Report to Congress.

the agency determines has the effect of requiring, permitting, or inducing the inefficient use of petroleum products, coal, natural gas, electricity, and other forms of energy, together with a statement of the need, purpose, or justification of any such requirement or such action. Each such report shall be submitted to the Congress within one year after the date of enactment of this Act.

Energy impact statement.

(b) Except as provided in subsection (c), each of the agencies specified in subsection (a)(1) shall, where practicable and consistent with the exercise of their authority under other law, include in any major regulatory action (as defined by rule by each such agency) taken by each such agency, a statement of the probable impact of such major regulatory action on energy efficiency and energy conservation.

(c) Subsection (b) shall not apply to any authority exercised under any provision of law designed to protect the public health or safety.

FEDERAL ACTIONS WITH RESPECT TO RECYCLED OIL

42 USC 6363.

SEC. 383. (a) The purposes of this section are—

(1) to encourage the recycling of used oil;

(2) to promote the use of recycled oil;

(3) to reduce consumption of new oil by promoting increased utilization of recycled oil; and

(4) to reduce environmental hazards and wasteful practices associated with the disposal of used oil.

Definitions.

(b) As used in this section:

(1) the term "used oil" means any oil which has been refined from crude oil, has been used, and as a result of such use has been contaminated by physical or chemical impurities.

(2) The term "recycled oil" means—

(A) used oil from which physical and chemical contaminants acquired through use have been removed by re-refining or other processing, or

(B) any blend of oil, consisting of such re-refined or otherwise processed used oil and new oil or additives,

with respect to which the manufacturer has determined, pursuant to the rule prescribed under subsection (d)(1)(A)(i), is substantially equivalent to new oil for a particular end use.

(3) The term "new oil" means any oil which has been refined from crude oil and has not been used, and which may or may not contain additives. Such term does not include used oil or recycled oil.

(4) The term "manufacturer" means any person who re-refines or otherwise processes used oil to remove physical or chemical impurities acquired through use or who blends such re-refined or otherwise processed used oil with new oil or additives.

(5) The term "Commission" means the Federal Trade Commission.

(c) As soon as practicable after the date of enactment of this Act, the National Bureau of Standards shall develop test procedures for the determination of substantial equivalency of re-refined or otherwise processed used oil or blend of oil, consisting of such re-refined or otherwise processed used oil and new oil or additives, with new oil for a particular end use. As soon as practicable after development of such test procedures, the National Bureau of Standards shall report such procedures to the Commission.

Report to Federal Trade Commission.

Rules.

(d)(1)(A) Within 90 days after the date on which the Commission receives the report under subsection (c), the Commission shall, by rule, prescribe—

(i) test procedures for the determination of substantial equivalency of re-refined or otherwise processed used oil or blend of oil, consisting of such re-refined or otherwise processed used oil and new oil or additives, with new oil distributed for a particular end use; and

(ii) labeling standards applicable to containers of recycled oil in order to carry out the purposes of this section.

(B) Such labeling standards shall permit any container of recycled oil to bear a label indicating any particular end use for which a determination of substantial equivalency has been made pursuant to subparagraph (A)(i).

(2) Not later than the expiration of such 90-day period, the Administrator of the Environmental Protection Agency shall, by rule, prescribe labeling standards applicable to containers of new oil, used oil, and recycled oil relating to the proper disposal of such oils after use. Such standards shall be designed to reduce, to the maximum extent practicable, environmental hazards and wasteful practices associated with the disposal of such oils after use. Rules.

(e) Beginning on the effective date of the standards prescribed pursuant to subsection (d)(1)(A)—

(1) no rule or order of the Commission, other than the rules required to be prescribed pursuant to subsection (d)(1)(A), and no law, regulation, or order of any State or political subdivision thereof may apply, or remain applicable, to any container of recycled oil, if such law, regulation, rule, or order requires any container of recycled oil, which container bears a label in accordance with the terms of the rules prescribed under subsection (d)(1)(A), to bear any label with respect to the comparative characteristics of such recycled oil with new oil which is not identical to that permitted by the rule respecting labeling standards prescribed under subsection (d)(1)(A)(ii); and

(2) no rule or order of the Commission may require any container of recycled oil to also bear a label containing any term, phrase, or description which connotes less than substantial equivalency of such recycled oil with new oil.

(f) After the effective date of the rules required to be prescribed under subsection (d)(1)(A), all Federal officials shall act within their authority to carry out the purposes of this section, including—

(1) revising procurement policies to encourage procurement of recycled oil for military and nonmilitary Federal uses whenever such recycled oil is available at prices competitive with new oil procured for the same end use; and

(2) educating persons employed by Federal and State governments and private sectors of the economy of the merits of recycled oil, the need for its use in order to reduce the drain on the Nation's oil reserves, and proper disposal of used oil to avoid waste of such oil and to minimize environmental hazards associated with improper disposal.

TITLE IV—PETROLEUM PRICING POLICY AND OTHER AMENDMENTS TO THE ALLOCATION ACT

PART A—PRICING POLICY

OIL PRICING POLICY

SEC. 401. (a) The Emergency Petroleum Allocation Act of 1973 is amended by adding at the end thereof the following new sections: 15 USC 751 note.

"OIL PRICING POLICY

15 USC 757.

"SEC. 8. (a) Not later than the first day of the second full calendar month following the date of enactment of this section, the President shall promulgate and make effective an amendment to the regulation

15 USC 753.

under section 4(a) of this Act which regulation, as amended, shall establish ceiling prices (or the manner of determining ceiling prices) applicable to any first sale of crude oil produced in the United States, such that the resulting actual weighted average first sale price for all such crude oil during such calendar month and each of the 39 months thereafter shall not exceed a maximum of $7.66 per barrel (hereinafter in this section referred to as the "maximum weighted average first sale price"), except as may be adjusted pursuant to this section.

"(b)(1) The regulation under section 4(a), as amended pursuant to subsection (a) of this section or by any subsequent amendment thereto, may, subject to the limitations related to the maximum weighted average first sale price and other requirements of this section, provide for different ceiling prices (or manner of determining ceiling prices) for different classifications of crude oil produced in the United States. In providing for different ceiling prices (or the manner for determining such ceiling prices) and classifications for such crude oil, the President shall determine that such ceiling prices (or the manner for determining such ceiling prices) and such classifications—

"(A) are administratively feasible; and

"(B) are justified on the basis that such prices and such classifications are consistent with obtaining optimum production of crude oil in the United States.

"(2) No amendment to the regulation under section 4(a) made after the date of enactment of this section may permit, in any month which begins after such date, an increase in the price for any volume of old crude oil production from any priorities, unless the President finds that such amendment—

"(A) will give positive incentives for (i) enhanced recovery techniques, or (ii) deep horizon development, from such properties; or

"(B) is necessary to take into account declining production from such properties; and

"(C) is likely to result in a level of production from such properties beyond that which would otherwise occur if no such amendment were made.

"Old crude oil production."

"(3) As used in paragraph (2), the term 'old crude oil production' means that volume of crude oil produced and sold from a property in a month which is equal to or less than the volume of old crude oil, as defined in section 212.72 of title 10, Code of Federal Regulations (as in effect on November 1, 1975), produced and sold from such property in the months of September, October, and November of 1975, divided by 3.

"(c)(1) Not later than 6 months after the effective date of the amendment promulgated under subsection (a), and not later than every 6 months thereafter, the President shall, on the basis of valid and reliable information (which may include information obtained by a valid and reliable sampling technique) of actual first sale prices of domestic crude oil, determine whether and the extent to which the actual weighted average first sale price for crude oil produced in the United States during any 6-month period or portion thereof for which data are available following the effective date of the amendment promulgated under subsection (a) of this section, exceeded or was less than the maximum weighted average first sale price of such

crude oil specified in subsection (a) as may be adjusted pursuant to this section.

"(2) If the President finds, pursuant to paragraph (1) of this subsection, that the regulation under section 4(a), as amended, resulted in an actual weighted average first sale price in excess of the maximum weighted average first sale price specified in subsection (a) as adjusted pursuant to this section, he shall amend the regulation to make such compensating adjustments as are necessary to result, in a corresponding period, in an actual weighted average first sale price for domestic crude oil sufficient to offset such excess. Amendment. 15 USC 753.

"(3) If the President finds, pursuant to paragraph (1) of this subsection, that the regulation under section 4(a), as amended, resulted in an actual weighted average first sale price less than the maximum weighted average first sale price specified in subsection (a) as adjusted pursuant to this section, he may, notwithstanding the requirements of this section pertaining to such maximum weighted average first sale price, amend the regulation to make such compensating adjustments in the regulation as are necessary to offset the deficiency in a corresponding period.

"(d)(1) The amendment promulgated pursuant to subsection (a) of this section (or any subsequent amendment to the regulation under section 4(a)) may provide for an adjustment to the maximum weighted average first sale price specified in subsection (a), such adjustment to begin no earlier than in the calendar month following the first month the amendment is in effect—

"(A) to take into account the impact of inflation as measured by the adjusted GNP deflator; and

"(B) as a production incentive;

except that any adjustment as a production incentive shall not permit an increase in the maximum weighted average first sale price in excess of 3 per centum per annum (compounded annually), unless modified pursuant to this section, and the combined effect of any such adjustments referred to in subparagraphs (A) and (B) shall not result in an increase in the maximum weighted average first sale price in excess of 10 per centum per annum (compounded annually), unless modified pursuant to this section.

"(2) As used in this subsection, the term 'adjusted GNP deflator' means the first revision of the quarterly percent change, seasonally adjusted at annual rates, of the most recent implicit price deflator for the gross national product which shall be computed and published for each calendar quarter by the Department of Commerce, subject to such additional modification as the President shall make to exclude therefrom any amount which he determines is attributable solely and directly to increases which occur after the date of enactment of this section in prices of imported crude oil, residual fuel oil, or any refined petroleum product resulting from concerted action of two or more petroleum exporting countries. "Adjusted GNP deflator."

"(3) The adjustment as a production incentive referred to in paragraph (1)(B) may be made only on a finding by the President that such an adjustment is likely to provide positive incentive for—

"(A) the discovery or development of high cost and high risk properties (including new wildcat properties, and properties located on the Outer Continental Shelf, properties located north of the Arctic Circle, deep wells and deep horizons in onshore or offshore properties, and properties operated by independent producers);

"(B) the application of enhanced recovery techniques to producing properties to obtain a level of production higher than

would otherwise occur from those properties but for such adjustment; or

"(C) sustaining production from marginal wells, including production from stripper wells.

Amendment, submittal to Congress.

"(e)(1) Not earlier than 90 days after the effective date of the amendment promulgated under subsection (a) and not earlier than 90 days after the date of any previous submission under this subsection, the President may submit to the Congress, in accordance with the procedures specified in section 551 of the Energy Policy and Conservation Act, an amendment to the regulation promulgated under section 4(a) which provides for (A) a production incentive adjustment to the maximum weighted average first sale price in excess of the 3 per centum limitation specified in subsection (d)(1), (B) a combined adjustment limitation in excess of the 10 per centum limitation specified in such subsection, or (C) both.

Post, p. 965.
15 USC 753.

"(2) Any such amendment shall be accompanied by a finding that an additional adjustment as a production incentive, or a combined adjustment limitation greater than permitted by subsection (d)(1), or both, is necessary to provide a more adequate incentive with respect to the matters referred to in subparagraphs (A), (B), or (C) of subsection (d)(3).

"(3) Any such amendment shall not take effect if either House of Congress disapproves such amendment in accordance with the procedures specified in section 551 of the Energy Policy and Conservation Act.

Report to Congress.

"(f)(1) On February 15, 1977, the President shall submit to the Congress a report containing an analysis of the impact of any amendment adopted pursuant to this section on the economy and on the supply of crude oil, residual fuel oil, and refined petroleum products.

"(2) The President may submit with such report to the Congress, in accordance with the procedures specified in section 551 of the Energy Policy and Conservation Act, an amendment to the regulation promulgated under section 4(a) which—

"(A) provides for the continuation or modification of the adjustment as a production incentive (referred to in subsection (d) as may have been amended pursuant to subsection (e));

"(B) provides for a modification of the combined adjustment limitation (referred to in subsection (d), as may have been amended pursuant to subsection (e)); or

"(C) provides for adjustments with respect to both subparagraphs (A) and (B).

"(3) Such amendment shall not take effect if either House of Congress disapproves such amendment in accordance with the procedures specified in section 551 of the Energy Policy and Conservation Act.

"(4) If any such amendment is disapproved by either House of Congress, the President may, not later than 30 days after the date of such disapproval, submit one additional amendment in accordance with paragraph (2), which amendment shall not take effect if either House of Congress disapproves such amendment in accordance with the procedures specified in section 551 of the Energy Policy and Conservation Act.

"(5) If no amendment to continue or modify the adjustment as a production incentive takes effect, no such adjustment to the maximum weighted average first sale price thereafter may be taken into account in computing such price for any month which begins after (A) the date on which a submission could have been made under paragraph (2) but was not, or (B) the last date on which a submission was disapproved and no further submission pursuant to paragraph (4)

could be made, except that the President may, pursuant to the procedures under subsection (e), submit an amendment to the regulation to provide for a prospective reinstatement of such adjustment or of a modification of such adjustment.

"(g)(1) On April 15, 1977, the President shall submit to the Congress a report as to whether the regulation promulgated under section 4(a) and in effect on such date will provide positive price incentives for the development of the domestic crude oil production referred to in paragraph (2)(A) without lessening needed incentives for sustaining or enhancing crude oil production in the remainder of the United States. Report to Congress.

"(2) If the President determines that a price required to provide positive price incentives for the development of the domestic crude oil production referred to in paragraph (2)(A) would, because of the maximum weighted average first sale price specified in subsection (a) of this section, as adjusted, have the effect of reducing or limiting ceiling prices permitted for crude oil produced in the remainder of the United States to levels which would result in less production of such crude oil than would otherwise occur, the President may, together with such report, or at any time thereafter not earlier than 90 days after any previous submission under this subsection, except as provided in paragraph (4), submit to the Congress in accordance with the procedures specified in section 551 of the Energy Policy and Conservation Act an amendment to the regulation promulgated under section 4(a) which— Amendment, submittal to Congress. *Post*, p. 965.

"(A) excludes up to 2 million barrels a day of crude oil production transported through the trans-Alaska pipeline from the computation of the maximum weighted average first sale price specified in subsection (a); and

"(B) establishes ceiling prices (or a manner of determining prices) for the first sale of crude oil production referred to in subparagraph (A) such that the actual weighted average first sale price for such production will not exceed the highest actual weighted average first sale price permitted under the regulation for significant volumes of any other classification of domestic crude oil.

"(3) Any such amendment shall be accompanied by such findings and supporting rationale as the President determines justify such ceiling prices (or manner for determining such prices). Any amendment submitted to the Congress pursuant to this subsection shall not take effect if either House of Congress disapproves such amendment in accordance with the procedures specified in section 551 of the Energy Policy and Conservation Act.

"(4) If any such amendment is disapproved by either House of Congress, the President may not later than 30 days after the date of such disapproval submit one additional amendment in accordance with paragraphs (2) and (3), which amendment shall not take effect if either House of Congress disapproves such amendment in accordance with the procedures specified in section 551 of the Energy Policy and Conservation Act.

"(5) If any amendment submitted by the President to the Congress pursuant to this subsection becomes effective, such amendment may thereafter be further amended by the President, subject to the procedures and requirements of paragraphs (2) and (3) of this subsection, except that no such further amendment shall be submitted earlier than January 1, 1978, and thereafter no earlier than 90 days after the date of any previous submission made under this paragraph.

"(h) In any judicial review of an amendment required by this section to be submitted to the Congress in accordance with the procedures specified in section 551 of the Energy Policy and Conservation Act, the reviewing court may not hold unlawful or set aside any such amendment on the ground that any findings made by the President were not adequate to meet the requirements of this section or of subparagraph (A), (E), or (F) of section 706(2) of title 5, United States Code.

Post, p. 965.

"PASSTHROUGHS OF PRICE DECREASES

15 USC 758.

"SEC. 9. Not later than the first day of the second full calendar month following the date of enactment of this section, the regulation under section 4(a) shall provide for a dollar-for-dollar passthrough in prices at all levels of distribution from the producer through the retail level of decreases in the costs of crude oil, residual fuel oil, and refined petroleum products (including decreases in costs which result from a reduction in the price of crude oil produced in the United States because of the amendment to such regulation required under section 8(a)).".

Ante, p. 942.

Repeal.
15 USC 753.

(b)(1) Subsections (d), (e) and (g) of section 4 of the Emergency Petroleum Allocation Act of 1973 are repealed, and subsection (f) of such section 4 is redesignated as subsection "(d)" of such section 4.

(2) Section 4(a) of such Act is amended by (A) striking out "Subject to subsection (f)" and inserting in lieu thereof "Subject to subsection (d)"; and (B) striking out "Except as provided in subsection (e) such" and inserting in lieu thereof "Such".

(3) Section 4(c) of such Act is amended in paragraphs (1), (4), and (5) thereof by striking out "subsections (b) and (d)" wherever it appears and by inserting in lieu thereof in each case "subsection (b)".

Repeal.

(4) Section 406 of Public Law 93-153 is repealed.

12 USC 1904 note.
Effective date.
15 USC 753 note.

(5) The amendments made by paragraphs (1), (2), (3), and (4) of this subsection, to the Emergency Petroleum Allocation Act of 1973, shall take effect on the effective date of the amendment to the regulation under section 4(a), required by section 8(a) of such Act.

LIMITATIONS ON PRICING POLICY

15 USC 753.

SEC. 402. (a) Paragraph (2) of section 4(b) of the Emergency Petroleum Allocation Act of 1973 is amended to read as follows:

"(2) In specifying prices (or prescribing the manner for determining them), the regulation under subsection (a)—

"(A) shall provide for a dollar-for-dollar passthrough of net increases in the cost of crude oil, residual fuel oil, and refined petroleum products at all levels of distribution from the producer through the retail level;

"(B)(i) shall not permit any net crude oil cost increases—

"(I) which are incurred by a refiner during the calendar month immediately preceding the effective date of this paragraph, or in any month thereafter, and

"(II) which are not passed through in prices charged pursuant to such regulation in the 2 calendar months following the calendar month in which such crude oil cost increases were incurred,

to be passed through by such refiner in any month subsequent to the 2 calendar months following the calendar month in which such crude oil cost increases were incurred, unless the President makes the findings specified in clause (ii)(II)(aa), and such passthrough

is consistent with the requirements specified in clause (ii) (II) (bb).

"(ii) shall not permit the passthrough in any month of—

"(I) any net crude oil cost increases incurred by a refiner not later than the last day of the calendar month which begins two months prior to the effective date of this paragraph and not passed through by the end of the last calendar month prior to the effective date of this paragraph unless such passthrough is not in excess of 10 percent of the total amount of such increased crude oil costs not passed through as of the last day of the last calendar month prior to the effective date of the amendment promulgated under section 8(a); and

Ante, p. 942.

"(II) any net crude oil cost increases incurred by a refiner after the effective date of this paragraph, which net crude oil cost increases were not passed through within the 2 calendar months following the calendar month in which such crude oil cost increases were incurred, unless—

"(aa) the President finds, and reports to the Congress with respect to such finding, that a passthrough of such crude oil cost increases is necessary to alleviate the impact on refiners, marketers, or consumers of significant increases in costs, to provide for equitable cost recovery consistent with the attainment, to the maximum extent practicable, of the objectives specified in paragraph (1), or to avoid competitive disadvantage; and

"(bb) such passthrough in any month of such crude oil cost increases is not in excess of 10 percent of the total amount of such crude oil cost increases as of the end of the calendar month in which the effective date of this paragraph occurs or any month thereafter;

"(C) shall provide for the use of the same date in the computation of markup, margin, and posted price for all marketers or distributors of crude oil, residual fuel, and refined petroleum products at all levels of marketing and distribution; and

"(D) shall not permit more than a direct proportionate distribution (by volume) to Number 2 oils (Number 2 heating oil and Number 2-D diesel fuel), aviation fuel of a kerosene or naphtha type, and propane produced from crude oil, of any increased costs of crude oil incurred by a refiner; except that the President may, by amendment to the regulation under subsection (a) or by order, permit deviation from such proportionate distribution of costs, if the President finds that refinery operations justify such deviation and further finds that to permit such deviation is consistent with the attainment of the objectives in paragraph (1) and would not result in inequitable prices for any class of users of such product. As used in this paragraph, the term 'effective date of this paragraph' means the effective date specified in section 402(b) of the Energy Policy and Conservation Act.".

Infra.

(b) The amendment made by this section, to the Emergency Petroleum Allocation Act of 1973, shall take effect on the effective date of the amendment to the regulation under section 4(a), required by section 8(a) of such Act.

Effective date.
15 USC 753 note.

(c) The Emergency Petroleum Allocation Act of 1973, as amended by this Act, is further amended by adding at the end thereof the following new section:

15 USC 751 note.

"LIMITATIONS ON PRICING AUTHORITY

15 USC 759. "SEC. 10. The President shall have no authority, under this Act, or under the Energy Policy and Conservation Act, to prescribe minimum prices for crude oil (or any classification thereof), residual fuel oil, or any refined petroleum product.".

ENTITLEMENTS

15 USC 753. SEC. 403. (a) Section 4 of the Emergency Petroleum Allocation Act of 1973, as amended by this Act, is further amended by adding at the end thereof the following:

"(e) Any provision of the regulation under subsection (a) of this section—

"(1) which requires the purchase of entitlements, or the payment of money through any other similar cash transfer arrangement, the purpose of which is to reduce disparities in the crude oil acquisition costs of domestic refiners, and

"(2) which is based upon the number of barrels of crude oil input, or receipts, or both, of any refiner,

shall not apply to the first 50,000 barrels per day of input, or receipts, or both, of any refiner whose total refining capacity (including the refining capacity of any person who controls, is controlled by, or is under common control with such refiner) did not exceed on January 1, 1975, and does not thereafter exceed 100,000 barrels per day. The preceding sentence shall not affect any provisions of the regulation under subsection (a) of this section with respect to the receipt by any small refiner as defined in section 3(4) of payments for entitlements or any other similar cash transfer arrangement.".

15 USC 752.

Effective date. 15 USC 753 note. (b) Subsection (a) of this section shall apply with respect to payments due on or after the last day of the month during which the date of enactment of this Act occurs.

PART B—OTHER AMENDMENTS TO THE ALLOCATION ACT

AMENDMENTS TO THE OBJECTIVES OF THE ALLOCATION ACT

SEC. 451. (a) Section 4(b)(1)(A) of the Emergency Petroleum Allocation Act of 1973 is amended to read as follows:

"(A) protection of public health (including the production of pharmaceuticals), safety and welfare (including maintenance of residential heating, such as individual homes, apartments and similar occupied dwelling units), and the national defense;".

(b) Section 4(b)(1)(G) of the Emergency Petroleum Allocation Act of 1973 is amended to read as follows:

"(G) allocation of residual fuel oil and refined petroleum products in such amounts and in such manner as may be necessary for the maintenance of, exploration for, and production or extraction of—

"(i) fuels, and

"(ii) minerals essential to the requirements of the United States,

and for required transportation related thereto;".

PENALTIES UNDER THE ALLOCATION ACT

15 USC 754. SEC. 452. Section 5 of the Emergency Petroleum Allocation Act of 1973 is amended:

(1) by striking out "sections 205 through 211" in subsection (a)(1) of such section and inserting in lieu thereof "sections 205 through 207 and sections 209 through 211"; and

(2) by adding at the end of subsection (a) of such section the following: Penalties.

"(3)(A) Whoever violates any provision of the regulation under section 4(a) of this Act, or any order under this Act shall be subject to a civil penalty—

"(i) with respect to activities relating to the production, distribution, or refining of crude oil, of not more than $20,000 for each violation;

"(ii) with respect to activities relating to the distribution of residual fuel oil or any refined petroleum product (other than activities entirely at the retail level), of not more than $10,000 for each violation; and

"(iii) with respect to activities—

(I) entirely relating to the distribution of residual fuel oil or any refined petroleum product at the retail level, or

(II) activities not referred to in clause (i) or (ii) of subclause (I) of this clause, of not more than $2,500 for each violation.

"(B) Whoever willfully violates any provision of such regulation, or any such order shall be imprisoned not more than 1 year, or—

"(i) with respect to activities relating to the production or refining of crude oil, shall be fined not more than $40,000 for each violation;

"(ii) with respect to activities relating to the distribution of residual fuel oil or any refined petroleum product (other than at the retail level), shall be fined not more than $20,000 for each violation;

"(iii) with respect to activities relating to the distribution of residual fuel oil or any refined petroleum product at the retail level or any other person shall be fined not more than $10,000 for each violation;

or both.

"(4) Any individual director, officer, or agent of a corporation who knowingly and willfully authorizes, orders, or performs any of the acts or practices constituting in whole or in part a violation of paragraph (3), shall be subject to penalties under this subsection without regard to any penalties to which that corporation may be subject under paragraph (3) except that no such individual director, officer, or agent shall be subject to imprisonment under paragraph (3), unless he also has knowledge, or reasonably should have known, of notice of noncompliance received by the corporation from the President.".

ANTITRUST PROVISION IN ALLOCATION ACT

SEC. 453. Section 6(c) of the Emergency Petroleum Allocation Act of 1973 is amended to read as follows: Defense. 15 USC 755.

"(c) There shall be available as a defense to any action brought for breach of contract in any Federal or State court arising out of delay or failure to provide, sell, or offer for sale or exchange crude oil, residual fuel oil, or any refined petroleum product, that such delay or failure was caused solely by compliance with the provisions of this Act or with the regulation or any order under this Act.".

EVALUATION OF REGULATION UNDER THE ALLOCATION ACT

15 USC 751 note.

SEC. 454. The Emergency Petroleum Allocation Act of 1973, as amended by this Act, is further amended by adding at the end thereof the following new section:

"REEVALUATION OF SECTION 4(a) REGULATION

Notice.
15 USC 760.

"SEC. 11. (a) Not later than 60 days after the date of enactment of this section, the President shall give appropriate notice and afford interested persons an opportunity to present written and oral data, views, and arguments respecting the appropriateness of, or the continuing need for, the application of any provision of the regulation promulgated under section 4(a) as such provision relates to the attainment of the objectives specified in section 4(b)(1) of section 4. A transcript shall be kept of any such oral presentations of data, views, and argument.

15 USC 753.
Transcript.

"(b) The President shall, after consideration of such written and oral presentations and such other information as may be available to him—

Report to Congress.

"(1) analyze such presentations and report thereon to the Congress within 120 days after the date of enactment of this section; and

"(2) shall promulgate, pursuant to the limitations and authority under section 12, such amendment, or amendments, to the regulation promulgated under section 4(a) as he determines are necessary or appropriate—

Infra.

"(A) to modify any provisions of such regulation in a manner which is consistent with the attainment, to the maximum extent practicable, of objectives specified in section 4(b)(1); or

"(B) to eliminate any provisions of such regulation no longer necessary to provide for the attainment of such objectives.".

CONVERSION TO STANDBY AUTHORITIES

SEC. 455. The Emergency Petroleum Allocation Act of 1973, as amended by this Act, is further amended by adding at the end thereof the following new section:

"CONVERSION MECHANISM TO STANDBY AUTHORITIES

15 USC 760a.

"SEC. 12. (a) The President may not amend the regulation under section 4(a) in any manner which—

"(1) exempts crude oil produced in the United States from any provision of such regulation required to be made a part of such regulation by section 8; or

Ante, p. 942.

"(2) results in making such regulation, as so amended, inconsistent with any limitation or other requirement specified in section 8.

"(b) Except as provided in subsection (a), the President may amend the regulation under section 4(a) if he determines that such amendment is consistent with the attainment, to the maximum extent practicable, of the objectives specified in section 4(b)(1) and that the regulation, as amended, provides for the attainment, to the maximum extent practicable, of such objectives.

"(c)(1) Any such amendment which, with respect to a class of persons or class of transactions (including transactions with respect to any market level), exempts crude oil, residual fuel oil, or any refined petroleum product or refined product category from the provisions of the regulation under section 4(a) as such provisions pertain to either (A) the allocation of amounts of any such oil or product, or (B) the specification of price or the manner for determining the price of any such oil or product, or both of the matters described in subparagraphs (A) and (B), may take effect only pursuant to the provisions of this subsection. 15 USC 753.

"(2) The President shall submit any amendment referred to in paragraph (1) to the Congress in accordance with the procedures specified in section 551 of the Energy Policy and Conservation Act. Any such amendment shall be accompanied by a specific statement of the President's rationale for such amendment and the matter described in subsection (d) of this section. Such an amendment— Amendment, submittal to Congress. *Post*, p. 965.

"(A) may apply only to one oil or one refined product category;

"(B) may apply to the matters specified in either subparagraph (A) or (B) of paragraph (1) of this subsection, or both; and

"(C) may provide for scheduled or phased implementation.

"(3) As used in this section the term 'refined product category' means— "Refined product category."

"(A) motor gasoline;

"(B) Number 2 oils (Number 2 heating oil and Number 2-D diesel fuel);

"(C) propane; or

"(D) all or any portion of other refined petroleum products as a class (including natural gas liquids and natural gas liquid products, other than propane).

"(4) Such an amendment shall not take effect if either House of Congress disapproves such amendment in accordance with the procedures specified in section 551 of the Energy Policy and Conservation Act.

"(d)(1) The President shall support any amendment described in subsection (b) which is transmitted to the Congress under subsection (c) of this section with a finding that such amendment is consistent with the attainment of the objectives specified in subsection 4(b)(1) and in the case of—

"(A) any exemption described in subsection (c)(1)(A), with a finding that such oil or refined product category is no longer in short supply and that exempting such oil or refined product category will not have an adverse impact on the supply of any other oil or refined petroleum product subject to this Act; and

"(B) any exemption described in subsection (c)(1)(B), with a finding that competition and market forces are adequate to protect consumers and that exempting such oil or refined product category will not result in inequitable prices for any class of users of such oil or product.

"(2) Any amendment which the President submits to the Congress under subsection (c) of this section shall be accompanied— Statement.

"(A) by a statement of the President's views as to the potential economic impacts (if any) of such amendment which, where practicable, shall include his views as to—

"(i) the State and regional impacts of such amendment (including effects on governmental units);

"(ii) the effects of such amendment on the availability of consumer goods and services; the gross national product; competition; small business; and the supply and availability

of energy resources for use as fuel or as feedstock for industry; and

"(iii) the effects on employment and consumer prices; and

"(B) in the case of an exemption described in subsection (c)(1)(B) of this section, by an analysis of the effects of such amendment on the rate of unemployment for the United States, the Consumer Price Index for the United States, and the implicit price deflator for the gross national product.

Review.

"(e) In any judicial review of an amendment required by this section to be submitted to Congress in accordance with the procedures specified in section 551 of the Energy Policy and Conservation Act, the reviewing court may not hold unlawful or set aside any such amendment on the ground that any findings made by the President were not adequate to meet the requirements of subsection (c), (d), or (g) of this section or subparagraph (A), (E), or (F), of section 706(2) of title 5, United States Code.

Post, p. 965.

"(f) With respect to any oil or refined product category which is exempted pursuant to the provisions of this section, the President shall have authority at any time thereafter to prescribe a regulation or issue an order respecting either the allocation of amounts, or the specification of price or the manner for determining the price, of any such oil or refined product category upon a determination by him that such regulation or order is necessary to attain, and is consistent with, the objectives specified in section 4(b)(1). Any such oil or refined product category for which allocation or price requirements are reimposed under authority of this subsection may subsequently be exempted without regard to the provisions of subsection (c) of this section.

15 USC 753.

Ante, p. 948.

"(g) Notwithstanding the provisions of subsection (e) of section 4, the President may, if he determines that the exemption from payments for certain small refiners required by such subsection—

"(1) results in unfair economic or competitive advantage with respect to other small refiners; or

"(2) otherwise has the effect of seriously impairing the President's ability to provide in the regulation under section 4(a) for the attainment of the objective specified in section 4(b)(1)(D) and for the attainment of those other objectives specified in section 4(b)(1);

submit, in accordance with the procedures specified in section 551 of the Energy Policy and Conservation Act, an amendment to modify the regulation under section 4(a) with respect to the provisions of such regulation as they relate to such exemption. Such amendment shall not take effect if disapproved by either House of Congress under the procedures specified in such section 551.".

TECHNICAL PURCHASE AUTHORITY

15 USC 751 note.

SEC. 456. The Emergency Petroleum Allocation Act of 1973, as amended by this Act, is further amended by adding at the end thereof the following new section:

"TECHNICAL PURCHASE AUTHORITY

15 USC 760b.

"SEC. 13. (a) The President may, by amendment to the regulation under section 4(a) of this Act, provide for and implement a procedure pursuant to which the United States may exercise the exclusive right to import and purchase all or any part of the crude oil, residual fuel

oil, and refined petroleum products of foreign origin for resale in the United States.

"(b) The authorities granted under this section shall not be used for the purpose, or with the effect, of providing a subsidy or preference to any importer, purchaser, or user.

"(c) In exercising any authorities granted under this section, the President shall endeavor to buy and sell without profit or loss, except that the President may, in individual cases, sell, on a competitive bid basis, crude oil, residual fuel oil, or any refined petroleum product at a price above or below the cost of such oil or product if, in the judgment of the President, such sales may result in progress toward a lower price for oil sold in international commerce.

"(d) Any amendment to the regulation proposed to be implemented under this section shall be submitted to Congress for review under section 551 of the Energy Policy and Conservation Act, together with a detailed explanation of the procedure to be employed and the need therefor and shall be supported by findings by the President that the exercise of such authority is likely to reduce prices for imported oils and products. Such amendment shall not take effect if disapproved by either House of the Congress in accordance with the procedures specified in section 551 of such Act and any authority to purchase shall be subject to appropriations Acts.

Amendment, submittal to Congress.
Post, p. 965.

"(e) The President shall submit, within 90 days after the date of enactment of this section, a report which evaluates the feasibility of reducing the price of crude oil, residual fuel oil, or refined petroleum products of foreign origin for resale in the United States by providing incentives for domestic producers who also import such oils or products into the United States, to work for the reduction of the price of such oils or products. The report shall specifically discuss whether increasing aggregate old crude oil prices by an amount related to any decrease in aggregate prices for such imported oils and products would serve as an incentive for domestic producers to reduce the price of such imported oils and products.".

Price reduction, feasibility report.

DIRECT CONTROLS ON REFINERY OPERATIONS

SEC. 457. The Emergency Petroleum Allocation Act of 1973, as amended by this Act, is further amended by adding at the end thereof the following new section:

15 USC 751 note.

"DIRECT CONTROLS ON REFINERY OPERATIONS

"SEC. 14. The President may, by amendment to the regulation under section 4(a) of this Act or by order, as may be consistent with the attainment, to the maximum extent practicable, of the objectives specified in section 4(b)(1) of this Act, require adjustments in the operations of any refinery in the United States with respect to the proportions of residual fuel oil or any refined petroleum product produced through such operations if he determines such adjustments are necessary to assure the production of residual fuel oil or any refined petroleum product in such proportions as are necessary or appropriate to provide for the attainment, to the maximum extent practicable, the objectives specified in section 4(b)(1).".

15 USC 760c.
15 USC 753.
Ante, p. 948.

INVENTORY CONTROLS

SEC. 458. The Emergency Petroleum Allocation Act of 1973, as amended by this Act, is further amended by adding at the end thereof the following new section:

"INVENTORY CONTROLS

15 USC 760d. "SEC. 15. (a) In addition to other authority provided for in this Act to alleviate shortages of crude oil, residual fuel oil, and refined petroleum products, the President may, if he finds an existing or impending regional or national supply shortage of any fuel, by amend-
15 USC 753. ment to the regulation under section 4(a) of this Act or by order, consistent with the attainment, to the maximum extent practicable, of the objectives specified in section 4(b)(1), require adjustments in the amounts of crude oil, residual fuel oil or any refined petroleum product which are held in inventory by persons who are engaged in the business of importing, producing, refining, marketing, or distributing such oils or products.

"(b) The authority specified in subsection (a) may be exercised to require either—

"(1) a distribution from such inventories to specified persons or classes of persons at specified rates of distribution or to specified levels of inventory accumulation; or

"(2) the accumulation of inventories at specified rates of accumulation or to specified levels,

as the President determines may be necessary or appropriate to provide for the attainment, to the maximum extent practicable, of the objectives of section 4(b)(1) or as the President determines may be necessary or appropriate to carry out the obligations of the United States under the international energy program, as defined in section 3 *Ante*, p. 874. of the Energy Policy and Conservation Act.

"(c) The authority specified in subsection (a) may require the maintenance of inventories at levels greater or lesser than such person's normal business or operating requirements; except that such amounts shall not exceed the amount of oil or product, as the case may be, such person would use or distribute during any 90-day period of peak usage and in no case may the requirement to accumulate inventories be applied to any person in a manner which would necessitate such person making physical additions to storage facilities in order to comply with any such rule or order.".

HOARDING PROHIBITIONS

15 USC 751 note. SEC. 459. The Emergency Petroleum Allocation Act of 1973, as amended by this Act, is further amended by adding at the end thereof the following new section:

"HOARDING PROHIBITIONS

15 USC 760e. "SEC. 16. Except as may be otherwise provided with respect to persons engaged in the business of producing, refining, distributing, or marketing crude oil, residual fuel oil, or any refined petroleum product pursuant to section 15 or pursuant to requirements under section 156 of *Supra.* *Ante*, p. 885. the Energy Policy and Conservation Act (relating to the Industrial Strategic Petroleum Reserve), the regulation under section 4(a) shall prohibit any person, during a severe energy supply interruption (as defined in section 3 of the Energy Policy and Conservation Act) from willfully accumulating crude oil, residual fuel oil, or any refined petroleum product in inventories, or otherwise, in amounts which are in excess of such person's reasonable needs (as such term shall be defined in such regulation).".

ASPHALT ALLOCATION AUTHORITY

SEC. 460. The Emergency Petroleum Allocation Act of 1973, as amended by this Act, is further amended by adding at the end thereof the following new section: 15 USC 751 note.

"ASPHALT ALLOCATION AUTHORITY

"SEC. 17. (a) The President may amend the regulation under section 4(a) of this Act to require, in a manner which he finds is consistent with the attainment, to the maximum extent practicable, of the objectives specified in section 4(b)(1) of this Act, the allocation of asphalt in amounts specified in (or determined in the manner prescribed by), or at prices specified in (or determined in a manner prescribed by) such amendment to the regulation, or both. 15 USC 760f. 15 USC 753. *Ante*, p. 948.

"(b) If the President exercises the authority under this section, he may thereafter amend the regulation under section 4(a) to exempt asphalt from such regulation without regard to the provisions of section 12 of this Act.". *Ante*, p. 950.

EXPIRATION OF AUTHORITIES

SEC. 461. The Emergency Petroleum Allocation Act of 1973 is amended by adding to the end of such Act, as amended by this Act, the following new section:

"EXPIRATION OF AUTHORITIES

"SEC. 18. Notwithstanding any other provision of this Act, at midnight on the conclusion of the 40th month in which the amendment under section 8(a) is in effect, the President's authority to promulgate, make effective, and amend a regulation pursuant to section 4(a) of this Act shall become discretionary rather than mandatory, and the limitations on the President's authority contained in sections 4(b)(2), 8, and 9 of this Act shall terminate. The authority to promulgate and amend any regulation or to issue any order under this Act shall expire at midnight September 30, 1981, but such expiration shall not affect any action or pending proceedings, administrative, civil, or criminal, not finally determined on such date, nor any administrative, civil, or criminal action or proceeding, whether or not pending, based upon any act committed or liability incurred prior to such expiration date.". 15 USC 760g. *Ante*, p. 942. *Ante*, pp. 946, 942, 946.

REIMBURSEMENT TO STATES

SEC. 462. The Emergency Petroleum Allocation Act of 1973, as amended by this Act, is further amended by adding at the end thereof the following new section:

"REIMBURSEMENT TO STATES

"SEC. 19. (a) The President is authorized to reimburse any State for expenses incurred by such State in carrying out any responsibilities delegated to such State by the President under the provisions of this Act. 15 USC 760h.

"(b) Such reimbursements may be paid from any funds appropriated for the purpose of carrying out responsibilities under this Act, unless any appropriation Act specifically provides to the contrary.

"(c) Not later than June 1, 1976, the President shall submit a report to the Congress analyzing and detailing the amount and nature of any Report to Congress.

reimbursements made to any State for expenses described in subsection (a) incurred prior to such date and specifically recommending whether authorizations of additional funds for direct grants to States are necessary or appropriate for the continued operation of the reimbursement provisions authorized by this section.".

EFFECTIVE DATE OF ALLOCATION ACT AMENDMENTS

15 USC 753 note. 15 USC 751 note.

SEC. 463. Except as otherwise provided, the amendments made by this Act to the Emergency Petroleum Allocation Act of 1973 shall take effect as of midnight, December 15, 1975.

TITLE V—GENERAL PROVISIONS

PART A—ENERGY DATA BASE AND ENERGY INFORMATION

VERIFICATION EXAMINATION

42 USC 6381.

SEC. 501. (a) The Comptroller General may conduct verification examinations with respect to the books, records, papers, or other documents of—

(1) any person who is required to submit energy information to the Federal Energy Administration, the Department of the Interior, or the Federal Power Commission pursuant to any rule, regulation, order, or other legal process of such Administration, Department or Commission;

(2) any person who is engaged in the production, processing, refining, transportation by pipeline, or distribution (at other than the retail level) of energy resources—

(A) if such person has furnished, directly or indirectly, energy information (without regard to whether such information was furnished pursuant to legal requirements) to any Federal agency (other than the Internal Revenue Service), and

(B) if the Comptroller General of the United States determines that such information has been or is being used or taken into consideration, in whole or in part, by a Federal agency in carrying out responsibilities committed to such agency; or

(3) any vertically integrated petroleum company with respect to financial information of such company related to energy resource exploration, development, and production and the transportation, refining and marketing of energy resources and energy products.

Congressional request.

(b) The Comptroller General shall conduct verification examinations of any person or company described in subsection (a), if requested to do so by any duly established committee of the Congress having legislative or oversight responsibilities under the rules of the House of Representatives or of the Senate, with respect to energy matters or any of the laws administered by the Department of the Interior (or the Secretary thereof), the Federal Power Commission, or the Federal Energy Administration (or the Administrator).

Definitions.

(c) For the purposes of this title—

(1) The term "verification examination" means an examination of such books, records, papers, or other documents of a person or company as the Comptroller General determines necessary and appropriate to assess the accuracy, reliability, and adequacy of

the energy information, or financial information, referred to in subsection (a).

(2) The term "energy information" has the same meaning as such term has in section 11(e)(1) of the Energy Supply and Environmental Coordination Act of 1974. 15 USC 796.

(3) The term "person" has the same meaning as such term has in section 11(e)(2) of the Energy Supply and Environmental Coordination Act of 1974.

(4) The term "vertically integrated petroleum company" means any person which itself, or through a person which is controlled by, controls, or is under common control with such person, is engaged in the production, refining, and marketing of petroleum products.

POWERS OF THE COMPTROLLER GENERAL AND REPORTS

SEC. 502. (a) For the purpose of carrying out his authority under section 501— 42 USC 6382.

(1) the Comptroller General may—

(A) sign and issue subpenas for the attendance and testimony of witnesses and the production of books, records, papers, and other documents;

(B) require any person, by general or special order, to submit answers in writing to interrogatories, to submit books, records, papers, or other documents, or to submit any other information or reports, and such answers or other submissions shall be made within such reasonable period, and under oath or otherwise, as the Comptroller General may determine; and

(C) administer oaths.

(2) the Comptroller General, or any officer or employee duly designated by the Comptroller General, upon presenting appropriate credentials and a written notice from the Comptroller General to the owner, operator, or agent in charge, may—

(A) enter, at reasonable times, any business premise or facility; and

(B) inspect, at reasonable times and in a reasonable manner, any such premise or facility, inventory and sample any stock of energy resources therein, and examine and copy books, records, papers, or other documents, relating to any energy information, or any financial information in the case of a vertically integrated petroleum company.

(b) The Comptroller General shall have access to any energy information within the possession of any Federal agency (other than the Internal Revenue Service) as is necessary to carry out his authority under this section.

(c)(1) Except as provided in subsections (d) and (e), the Comptroller General shall transmit a copy of the results of any verification examination conducted under section 501 to the Federal agency to which energy information which was subject to such examination was furnished. Copies.

(2) Any report made pursuant to paragraph (1) shall include the Comptroller General's findings with respect to the accuracy, reliability, and adequacy of the energy information which was the subject of such examination.

(d) If the verification examination was conducted at the request of any committee of the Congress, the Comptroller General shall report his findings as to the accuracy, reliability, or adequacy of the energy Report to congressional committee.

information which was the subject of such examination, or financial information in the case of a vertically integrated petroleum company, directly to such committee of the Congress and any such information obtained and such report shall be deemed the property of such committee and may not be disclosed except in accordance with the rules of the committee and the rules of the House of Representatives or the Senate and as permitted by law.

Geological or geophysical information, disclosure.

(e)(1) Any information obtained by the Comptroller General or any officer or employee of the General Accounting Office pursuant to the exercise of responsibilities or authorities under this section which relates to geological or geophysical information, or any estimate or interpretation thereof, the disclosure of which would result in significant competitive disadvantage or significant loss to the owner thereof shall not be disclosed except to a committee of Congress. Any such information so furnished to a committee of the Congress shall be deemed the property of such committee and may not be disclosed except in accordance with the rules of the committee and the rules of the House of Representatives or the Senate and as permitted by law.

Penalties.

(2) Any person who knowingly discloses information in violation of paragraph (1) shall be subject to the penalties specified in section 5(a)(3)(B) and (4) of the Emergency Petroleum Allocation Act of 1973, as amended by section 452 of this Act.

Ante, p. 949.

Annual report to Congress.

(f) The Comptroller General shall prepare and submit to the Congress an annual report with respect to the exercise of its authorities under this part, which report shall specifically identify any deficiencies in energy information or financial information reviewed by the Comptroller General and include a discussion of action taken by the person or company so examined, if any, to correct any such deficiencies.

ACCOUNTING PRACTICES

42 USC 6383.

SEC. 503. (a) For purposes of developing a reliable energy data base related to the production of crude oil and natural gas, the Securities and Exchange Commission shall take such steps as may be necessary to assure the development and observance of accounting practices to be followed in the preparation of accounts by persons engaged, in whole or in part, in the production of crude oil or natural gas in the United States. Such practices shall be developed not later than 24 months after the date of enactment of this Act and shall take effect with respect to the fiscal year of each such person which begins 3 months after the date on which such practices are prescribed or made effective under authority of subsection (b)(2).

(b) In carrying out its responsibilities under subsection (a), the Securities and Exchange Commission shall—

(1) consult with the Federal Energy Administration, the General Accounting Office, and the Federal Power Commission with respect to accounting practices to be developed under subsection (a), and

(2) have authority to prescribe rules applicable to persons engaged in the production of crude oil or natural gas, or make effective by recognition, or by other appropriate means indicating a determination to rely on, accounting practices developed by the Financial Accounting Standards Board, if the Securities and Exchange Commission is assured that such practice will be observed by persons engaged in the production of crude oil or natural gas to the same extent as would result if the Securities and Exchange Commission had prescribed such practices by rule.

The Securities and Exchange Commission shall afford interested persons an opportunity to submit written comment with respect to whether it should exercise its discretion to recognize or otherwise rely on such accounting practice in lieu of prescribing such practices by rule and may extend the 24-month period referred to in subsection (a) as it determines may be necessary to allow for a meaningful comment period with repect to such determination.

Accounting practices.

(c) The Securities and Exchange Commission shall assure that accounting practices developed pursuant to this section, to the greatest extent practicable, permit the compilation, treating domestic and foreign operations as separate categories, of an energy data base consisting of:

(1) The separate calculation of capital, revenue, and operating cost information pertaining to—

(A) prospecting,
(B) acquisition,
(C) exploration,
(D) development, and
(E) production,

including geological and geophysical costs, carrying costs, unsuccessful exploratory drilling costs, intangible drilling and development costs on productive wells, the cost of unsuccessful development wells, and the cost of acquiring oil and gas reserves by means other than development. Any such calculation shall take into account disposition of capitalized costs, contractual arrangements involving special conveyance of rights and joint operations, differences between book and tax income, and prices used in the transfer of products or other assets from one person to any other person, including a person controlled by controlling or under common control with such person.

(2) The full presentation of the financial information of persons engaged in the production of crude oil or natural gas, including—

(A) disclosure of reserves and operating activities, both domestic and foreign, to facilitate evaluation of financial effort and result; and

(B) classification of financial information by function to facilitate correlation with reserve and operating statistics, both domestic and foreign.

(3) Such other information, projections, and relationships of collected data as shall be necessary to facilitate the compilation of such data base.

ENFORCEMENT

Penalties.
42 USC 6384.

SEC. 504. (a) Any person who violates any general or special order of the Comptroller General issued under section 502(a)(1)(B) of this Act may be assessed a civil penalty not to exceed $10,000 for each violation. Each day of failure to comply with such an order shall be deemed a separate violation. Such penalty shall be assessed by the Comptroller General and collected in a civil action brought by the Comptroller General through any attorney employed by the General Accounting Office or any other attorney designated by the Comptroller General, or, upon request of the Comptroller General, the Attorney General. A person shall not be liable with respect to any period during which the effectiveness of the order with respect to such person was stayed.

Civil actions.

(b) Any action to enjoin or set aside an order issued under section 502(a)(1)(B) may be brought only before the United States Court of Appeals for the District of Columbia. Any action to collect a civil

penalty for violation of any general or special order may be brought only in the United States District Court for the District of Columbia. In any action brought under subsection (a) to collect a civil penalty, process may be served in any judicial district of the United States.

Subpena compliance.

(c) Upon petition by the Comptroller General through any attorney employed by the General Accounting Office or designated by the Comptroller General, or, upon request of the Comptroller General, the Attorney General, any United States district court within the jurisdiction of which any inquiry under this part is carried on may, in the case of refusal to obey a subpena of the Comptroller General issued under this part, issue an order requiring compliance therewith; and any failure to obey the order of the court may be treated by the court as a contempt thereof.

AMENDMENT TO ENERGY SUPPLY AND ENVIRONMENTAL COORDINATION ACT OF 1974

15 USC 796.

SEC. 505. (a) Section 11(c) of The Energy Supply and Environmental Coordination Act of 1974 is amended by adding at the end thereof the following:

"(3) In order to carry out his responsibilities under subsection (a) of this section, the Federal Energy Administrator shall require, pursuant to subsection (b)(1)(A) of this section, that persons engaged, in whole or in part, in the production of crude oil or natural gas—

"(A) keep energy information in accordance with the accounting practices developed pursuant to section 503 of the Energy Policy and Conservation Act, and

"(B) submit reports with respect to energy information kept in accordance with such practices.

The Administrator shall file quarterly reports with the President and the Congress compiled from accounts kept in accordance with such section 503 and submitted to the Administrator in accordance with this paragraph. Such reports shall present energy information in the categories specified in subsection (c) of such section 503 to the extent that such information may be compiled from such accounts. Such energy information shall be collected and such quarterly reports made for each calendar quarter which begins 6 months after the date on which the accounting practices developed pursuant to such section 503 are made effective.".

Effective date.
15 USC 796 note.

(b) The amendment made by subsection (a) to section 11(c) of the Energy Supply and Environmental Coordination Act of 1974 shall take effect on the first day of the first accounting quarter to which such practices apply.

EXTENSION OF ENERGY INFORMATION GATHERING AUTHORITY

SEC. 506. Section 11(g)(2) of the Energy Supply and Environmental Coordination Act of 1974 is amended by striking out "June 30, 1975" wherever it appears and inserting in lieu thereof "December 31, 1979".

PART B—GENERAL PROVISIONS

PROHIBITION ON CERTAIN ACTIONS

42 USC 6391.

SEC. 521. (a) Action taken under the authorities to which this section applies, resulting in the allocation of petroleum products or electrical energy among classes of users or resulting in restrictions on use of

petroleum products and electrical energy shall not be based upon unreasonable classifications of, or unreasonable differentiations between, classes of users. In making any such allocation the President, or any agency of the United States to which such authority is delegated, shall give consideration to the need to foster reciprocal and nondiscriminatory treatment by foreign countries of United States citizens engaged in commerce in those countries.

(b) To the maximum extent practicable, any restriction under authorities to which this section applies on the use of energy shall be designed to be carried out in such manner so as to be fair and to create a reasonable distribution of the burden of such restriction on all sectors of the economy, without imposing an unreasonably disproportionate share of such burden on any specific class of industry, business, or commercial enterprise, or on any individual segment thereof. In prescribing any such restriction, due consideration shall be given to the needs of commercial, retail, and service establishments whose normal function is to supply goods or services of an essential convenience nature during times of day other than conventional daytime working hours.

(c) This section applies to actions under any of the following authorities:

(1) titles I and II of this Act (other than any provision of such titles which amends another law). *Ante*, pp. 875, 890.

(2) this title.

(3) the Emergency Petroleum Allocation Act of 1973. 15 USC 751 note.

CONFLICTS OF INTEREST

SEC. 522. (a) Each officer or employee of the Federal Energy Administration or of the Department of the Interior who— 42 USC 6392.

(1) performs any function or duty under this Act; and

(2) has any known financial interest—

(A) in any person engaged in the business of exploring, developing, producing, refining, transporting by pipeline, or distributing (other than at the retail level) coal, natural gas, or petroleum products, or

(B) in property from which coal, natural gas, or crude oil is commercially produced;

shall, beginning on February 1, 1977, annually file with the Administrator or the Secretary of the Interior, as the case may be, a written statement disclosing all such interests held by such officer or employee during the preceding calendar year. Such statement shall be subject to examination, and available for copying, by the public upon request.

(b) The Administrator and the Secretary of the Interior shall each—

(1) act, within 90 days after the date of enactment of this Act, in accordance with section 553 of title 5, United States Code—

(A) to define the term "known financial interest" for purposes of subsection (a); and

(B) to establish the methods by which the requirement to file written statements specified in subsection (a) will be monitored and enforced, including appropriate provisions for the filing by such officers and employees of such statements and the review by the Administrator or the Secretary of the Interior, as the case may be, of such statements; and

Report to Congress.

(2) report to the Congress on June 1 of each calendar year with respect to such disclosures and the actions taken in regard thereto during the preceding calendar year.

Exemption.

(c) In the rules prescribed in subsection (b), the Administrator and the Secretary of the Interior each may identify specific positions, or classes thereof within the Federal Energy Administration or Department of the Interior, as the case may be, which are of a nonregulatory and nonpolicymaking nature and provide that officers or employees occupying such positions shall be exempt from the requirements of this section.

Penalty.

(d) Any officer or employee who is subject to, and knowingly violates, subsection (a) shall be fined not more than $2,500 or imprisoned not more than one year, or both.

ADMINISTRATIVE PROCEDURE AND JUDICIAL REVIEW

42 USC 6393.

SEC. 523. (a) (1) Subject to paragraphs (2), (3), and (4) of this subsection, the provisions of subchapter II of chapter 5 of title 5,

5 USC 551.

United States Code, shall apply to any rule, regulation, or order having the applicability and effect of a rule as defined in section 551(4) of title 5, United States Code, issued under title I (other than section 103

Ante, pp. 875, 890.

thereof) and title II of this Act, or this title (other than any provision of such titles which amends another law).

Publication in Federal Register.

(2) (A) Notice of any proposed rule, regulation, or order described in paragraph (1) which is substantive and of general applicability shall be given by publication of such proposed rule, regulation, or order in the Federal Register. In each case, a minimum of 30 days following the date of such publication and prior to the effective date of the rule shall be provided for opportunity to comment; except that the 30-day period for opportunity to comment prior to the effective date of the rule may be—

(i) reduced to no less than 10 days if the President finds that strict compliance would seriously impair the operation of the program to which such rule, regulation, or order relates and such findings are set out in such rule, regulation, or order, or

(ii) waived entirely, if the President finds that such waiver is necessary to act expeditiously during an emergency affecting the national security of the United States.

Publication in newspapers.

(B) Public notice of any rule, regulation, or order which is substantive and of general applicability which is promulgated by officers of a State or political subdivision thereof or to State or local boards which have been delegated authority pursuant to title I or II of this Act or this title (other than any provision of such title) which amend another law shall, to the maximum extent practicable, be achieved by publication of such rules, regulations, or orders in a sufficient number of newspapers of general circulation calculated to receive widest practicable notice.

Oral presentation.

(3) In addition to the requirements of paragraph (2) and to the maximum extent practicable, an opportunity for oral presentation of data, views, and arguments shall be afforded and such opportunity shall be afforded prior to the effective date of such rule, regulation, or order, but in all cases such opportunity shall be afforded no later than 45 days, and no later than 10 days (in the case of a waiver of the entire comment period under paragraph (2)(ii)), after such date. A transcript shall be made of any oral presentation.

(4) Any officer or agency authorized to issue rules, regulations, or orders described in paragraph (1) shall provide for the making of such adjustments, consistent with the other purposes of this Act as

may be necessary to prevent special hardship, inequity, or an unfair distribution of burdens and shall in rules prescribed by it establish procedures which are available to any person for the purpose of seeking an interpretation, modification, or rescission of, or an exception to or exemption from, such rules, regulations and orders. If such person is aggrieved or adversely affected by the denial of a request for such action under the preceding sentence, he may request a review of such denial by the officer or agency and may obtain judicial review in accordance with subsection (b) or other applicable law when such denial becomes final. The officer or agency shall, by rule, establish appropriate procedures, including a hearing where deemed advisable, for considering such requests for action under this paragraph.

Judicial review.
12 USC 1904 note.

(b) The procedures for judicial review established by section 211 of the Economic Stabilization Act of 1970 shall apply to proceedings to which subsection (a) applies, as if such proceedings took place under such Act. Such procedures for judicial review shall apply notwithstanding the expiration of the Economic Stabilization Act of 1970.

(c) Any agency authorized to issue any rule, regulation, or order described in subsection (a)(1) shall, upon written request of any person, which request is filed after any grant or denial of a request for exception or exemption from any such rule, regulation, or order, furnish such person, within 30 days after the date on which such request is filed, with a written opinion setting forth applicable facts and the legal basis in support of such grant or denial.

PROHIBITED ACTS

42 USC 6394.
Ante, pp. 875, 890.

SEC. 524. It shall be unlawful for any person—

(1) to violate any provision of title I or title II of this Act or this title (other than any provision of such titles which amend another law),

(2) to violate any rule, regulation, or order issued pursuant to any such provision or any provision of section 383 of this Act; or

(3) to fail to comply with any provision prescribed in, or pursuant to, an energy conservation contingency plan which is in effect.

ENFORCEMENT

Penalties.
42 USC 6395.

SEC. 525. (a) Whoever violates section 524 shall be subject to a civil penalty of not more than $5,000 for each violation.

(b) Whoever willfully violates section 524 shall be fined not more than $10,000 for each violation.

(c) Any person who knowingly and willfully violates section 524 with respect to the sale, offer of sale, or distribution in commerce of a product or commodity after having been subjected to a civil penalty for a prior violation of section 524 with respect to the sale, offer of sale, or distribution in commerce of such product or commodity shall be fined not more than $50,000 or imprisoned not more than 6 months, or both.

(d) Whenever it appears to any officer or agency of the United States in whom is vested, or to whom is delegated, authority under this Act that any person has engaged, is engaged, or is about to engage in acts or practices constituting a violation of section 524, such officer or agency may request the Attorney General to bring an action in an appropriate district court of the United States to enjoin such acts or practices, and upon a proper showing a temporary restraining order or a preliminary or permanent injunction shall be granted without

bond. Any such court may also issue mandatory injunctions commanding any person to comply with any rule, regulation, or order described in section 524.

(e)(1) Any person suffering legal wrong because of any act or practice arising out of any violation of any provision of this Act described in paragraph (2), may bring an action in an appropriate district court of the United States without regard to the amount in controversy, for appropriate relief, including an action for a declaratory judgment or writ of injunction. Nothing in this subsection shall authorize any person to recover damages.

(2) The provisions of this Act referred to in paragraph (1) are as follows:

(A) Section 202 (relating to energy conservation plans).
(B) Section 251 (relating to international oil allocation).
(C) Section 252 (relating to international voluntary agreements).
(D) Section 253 (relating to advisory committees).
(E) Section 254 (relating to international exchange of information).
(F) Section 521 (relating to prohibition on certain actions).

EFFECT ON OTHER LAWS

42 USC 6396.

SEC. 526. No State law or State program in effect on the date of enactment of this Act, or which may become effective thereafter, shall be superseded by any provision of title I or II of this Act (other than any provision of such title which amends another law) or any rule, regulation, or order thereunder, except insofar as such State law or State program is in conflict with such provision, rule, regulation, or order.

Ante, pp. 875, 890.

TRANSFER OF AUTHORITY

42 USC 6397.
15 USC 774.

SEC. 527. In accordance with section 15(a) of the Federal Energy Administration Act of 1974, the President shall designate, where applicable and not otherwise provided by law, an appropriate Federal agency to carry out functions vested in the Administrator under this Act and amendments made thereby after the termination of the Federal Energy Administration.

AUTHORIZATION OF APPROPRIATIONS FOR INTERIM PERIOD

42 USC 6398.

SEC. 528. Any authorization of appropriations in this Act, or in any amendment to any other law made by this Act, for the fiscal year 1976 shall be deemed to include an additional authorization of appropriations for the period beginning July 1, 1976, and ending September 30, 1976, in amounts which equal one-fourth of any amount authorized for fiscal year 1976, unless appropriations for the same purpose are specifically authorized in a law hereinafter enacted.

INTRASTATE NATURAL GAS

42 USC 6399.

SEC. 529. No provision of this Act shall permit the imposition of any price controls on, or require any allocation of, natural gas not subject to the jurisdiction of the Federal Power Commission.

LIMITATION ON LOAN GUARANTEES

42 USC 6400.

SEC. 530. Loan guarantees and obligation guarantees under this Act or any amendment to another law made by this Act may not be

issued in violation of any limitation in appropriations or other Acts, with respect to the amounts of outstanding obligational authority.

EXPIRATION

SEC. 531. Except as otherwise provided in title I or title II, all authority under any provision of title I or title II (other than a provision of either such title amending another law) and any rule, regulation, or order issued pursuant to such authority, shall expire at midnight, June 30, 1985, but such expiration shall not affect any action or pending proceedings, civil or criminal, not finally determined on such date, nor any action or proceeding based upon any act committed prior to midnight, June 30, 1985. 42 USC 6401. *Ante*, pp. 875, 890.

PART C—CONGRESSIONAL REVIEW

PROCEDURE FOR CONGRESSIONAL REVIEW OF PRESIDENTIAL REQUESTS TO IMPLEMENT CERTAIN AUTHORITIES

SEC. 551. (a) For purposes of this section, the term "energy action" means any matter required to be transmitted, or submitted to the Congress in accordance with the procedures of this section. 42 USC 6421. "Energy action."

(b) The President shall transmit any energy action (bearing an identification number) to both Houses of Congress on the same day. If both Houses are not in session on the day any energy action is received by the appropriate officers of each House, for purposes of this section such energy action shall be deemed to have been transmitted on the first succeeding day on which both Houses are in session. Transmittal to Congress.

(c) (1) Except as provided in paragraph (2) of this subsection, if energy action is transmitted to the Houses of Congress, such action shall take effect at the end of the first period of 15 calendar days of continuous session of Congress after the date on which such action is transmitted to such Houses, unless between the date of transmittal and the end of such 15-day period, either House passes a resolution stating in substance that such House does not favor such action.

(2) An energy action described in paragraph (1) may take effect prior to the expiration of the 15-calendar-day period after the date on which such action is transmitted, if each House of Congress approves a resolution affirmatively stating in substance that such House does not object to such action.

(d) For the purpose of subsection (c) of this section—

(1) continuity of session is broken only by an adjournment of Congress sine die; and

(2) the days on which either House is not in session because of an adjournment of more than 3 days to a day certain are excluded in the computation of the 15-calendar-day period.

(e) Under provisions contained in an energy action, a provision of such an action may take effect on a date later than the date on which such action otherwise takes effect pursuant to the provisions of this section.

(f) (1) This subsection is enacted by Congress—

(A) as an exercise of the rulemaking power of the Senate and the House of Representatives, respectively, and as such it is deemed a part of the rules of each House, respectively, but applicable only with respect to the procedure to be followed in that House in the case of resolutions described by paragraph (2) of this subsection; and it supersedes other rules only to the extent that it is inconsistent therewith; and

(B) with full recognition of the constitutional right of either House to change the rules (so far as relating to the procedure of that House) at any time, in the same manner and to the same extent as in the case of any other rule of the House.

"Resolution." (2) For purposes of this subsection, the term "resolution" means only a resolution of either House of Congress described in subparagraph (A) or (B) of this paragraph.

(A) A resolution the matter after the resolving clause of which is as follows: "That the _____ does not object to the energy action numbered _____ submitted to the Congress on _____, 19__.", the first blank space therein being filled with the name of the resolving House and the other blank spaces being appropriately filled; but does not include a resolution which specifies more than one energy action.

(B) A resolution the matter after the resolving clause of which is as follows: "That the _____ does not favor the energy action numbered _____ transmitted to Congress on _____ _____, 19__.", the first blank space therein being filled with the name of the resolving House and the other blank spaces therein being appropriately filled; but does not include a resolution which specifies more than one energy action.

(3) A resolution once introduced with respect to an energy action shall immediately be referred to a committee (and all resolutions with respect to the same plan shall be referred to the same committee) by the President of the Senate or the Speaker of the House of Representatives, as the case may be.

(4) (A) If the committee to which a resolution with respect to an energy action has been referred has not reported it at the end of 5 calendar days after its referral, it shall be in order to move either to discharge the committee from further consideration of such resolution or to discharge the committee from further consideration of any other resolution with respect to such energy action which has been referred to the committee.

(B) A motion to discharge may be made only by an individual favoring the resolution, shall be highly privileged (except that it may not be made after the committee has reported a resolution with respect to the same energy action), and debate thereon shall be limited to not more than one hour, to be divided equally between those favoring and those opposing the resolution. An amendment to the motion shall not be in order, and it shall not be in order to move to reconsider the vote by which the motion was agreed to or disagreed to.

(C) If the motion to discharge is agreed to or disagreed to, the motion may not be renewed, nor may another motion to discharge the committee be made with respect to any other resolution with respect to the same energy action.

(5) (A) When the committee has reported, or has been discharged from further consideration of, a resolution, it shall be at any time thereafter in order (even though a previous motion to the same effect has been disagreed to) to move to proceed to the consideration of the resolution. The motion shall be highly privileged and shall not be debatable. An amendment to the motion shall not be in order, and it shall not be in order to move to reconsider the vote by which the motion was agreed to or disagreed to.

(B) Debate on the resolution referred to in subparagraph (A) of this paragraph shall be limited to not more than 10 hours, which shall be divided equally between those favoring and those opposing such resolution. A motion further to limit debate shall not be debatable.

An amendment to, or motion to recommit, the resolution shall not be in order, and it shall not be in order to move to reconsider the vote by which such resolution was agreed to or disagreed to; except that it shall be in order—

(i) to offer an amendment in the nature of a substitute, consisting of the text of a resolution described in paragraph (2)(A) of this subsection with respect to an energy action, for a resolution described in paragraph (2)(B) of this subsection with respect to the same such action, or

(ii) to offer an amendment in the nature of a substitute, consisting of the text of a resolution described in paragraph (2)(B) of this subsection with respect to an energy action, for a resolution described in paragraph (2)(A) of this subsection with respect to the same such action.

The amendments described in clauses (i) and (ii) of this subparagraph shall not be amendable.

(6)(A) Motions to postpone, made with respect to the discharge from committee, or the consideration of a resolution and motions to proceed to the consideration of other business, shall be decided without debate.

(B) Appeals from the decision of the Chair relating to the application of the rules of the Senate or the House of Representatives, as the case may be, to the procedure relating to a resolution shall be decided without debate.

(7) Notwithstanding any of the provisions of this subsection, if a House has approved a resolution with respect to an energy action, then it shall not be in order to consider in that House any other resolution with respect to the same such action.

EXPEDITED PROCEDURE FOR CONGRESSIONAL CONSIDERATION OF CERTAIN AUTHORITIES

SEC. 552. (a) Any contingency plan transmitted to the Congress pursuant to section 201(a)(1) shall bear an identification number and shall be transmitted to both Houses of Congress on the same day and to each House while it is in session. Contingency plans. 42 USC 6422.

(b) No such contingency plan may be considered approved for purposes of section 201(a)(2) of this Act unless between the date of transmittal and the end of the first period of 60 calendar days of continuous session of Congress after the date on which such action is transmitted to such House, each House of Congress passes a resolution described in subsection (d)(2).

(c) For the purpose of subsection (b) of this section—

(1) continuity of session is broken only by an adjournment of Congress sine die; and

(2) the days on which either House is not in session because of an adjournment of more than 3 days to a day certain are excluded in the computation of the 60-calendar-day period.

(d)(1) This subsection is enacted by Congress—

(A) as an exercise of the rulemaking power of the Senate and the House of Representatives, respectively, and as such it is deemed a part of the rules of each House, respectively, but applicable only with respect to the procedure to be followed in that House in the case of resolutions described by paragraph (2) of this subsection; and it supersedes other rules only to the extent that it is inconsistent therewith; and

(B) with full recognition of the constitutional right of either House to change the rules (so far as relating to the procedure of that House) at any time, in the same manner and to the same extent as in the case of any other rule of the House.

"Resolution." (2) For purposes of this subsection, the term "resolution" means only a resolution of either House of Congress the matter after the resolving clauses of which is as follows: "That the _____ approves the contingency plan numbered _____ submitted to the Congress on _____, 19__.", the first blank space therein being filled with the name of the resolving House and the other blank spaces being appropriately filled; but does not include a resolution which specifies more than one contingency plan.

(3) A resolution once introduced with respect to a contingency plan shall immediately be referred to a committee (and all resolutions with respect to the same contingency plan shall be referred to the same committee) by the President of the Senate or the Speaker of the House of Representatives, as the case may be.

(4)(A) If the committee to which a resolution with respect to a contingency plan has been referred has not reported it at the end of 20 calendar days after its referral, it shall be in order to move either to discharge the committee from further consideration of such resolution or to discharge the committee from further consideration of any other resolution with respect to such contingency plan which has been referred to the committee.

(B) A motion to discharge may be made only by an individual favoring the resolution, shall be highly privileged (except that it may not be made after the committee has reported a resolution with respect to the same contingency plan), and debate thereon shall be limited to not more than 1 hour, to be divided equally between those favoring and those opposing the resolution. An amendment to the motion shall not be in order, and it shall not be in order to move to reconsider the vote by which the motion was agreed to or disagreed to.

(C) If the motion to discharge is agreed to or disagreed to, the motion may not be renewed, nor may another motion to discharge the committee be made with respect to any other resolution with respect to the same contingency plan.

(5)(A) When the committee has reported, or has been discharged from further consideration of, a resolution, it shall be at any time thereafter in order (even though a previous motion to the same effect has been disagreed to) to move to proceed to the consideration of the resolution. The motion shall be highly privileged and shall not be debatable. An amendment to the notion shall not be in order, and it shall not be in order to move to reconsider the vote by which the motion was agreed to or disagreed to.

(B) Debate on the resolution referred to in subparagraph (A) of this paragraph shall be limited to not more than 10 hours, which shall be divided equally between those favoring and those opposing such resolution. A motion further to limit debate shall not be debatable. An amendment to, or motion to recommit the resolution shall not be in order, and it shall not be in order to move to reconsider the vote by which such resolution was agreed to or disagreed to.

(6)(A) Motions to postpone, made with respect to the discharge from committee, or the consideration of a resolution and motions to proceed to the consideration of other business, shall be decided without debate.

(B) Appeals from the decision of the Chair relating to the application of the rules of the Senate or the House of Representatives, as the case may be, to the procedures relating to a resolution shall be decided without debate.

Approved December 22, 1975.

LEGISLATIVE HISTORY:

HOUSE REPORTS: No. 94-340 accompanying H.R. 7014 (Comm. on Interstate and Foreign Commerce) and No. 94-700 (Comm. of Conference).

SENATE REPORTS: No. 94-26 (Comm. on Interior and Insular Affairs) and No. 94-516 (Comm. of Conference).

CONGRESSIONAL RECORD, Vol. 121 (1975):

Mar. 12, 13, Apr. 7-10, considered and passed Senate.

Sept. 23, considered and passed House, amended, in lieu of H.R. 7014.

Sept. 26, Senate concurred in House amendment with an amendment.

Dec. 15, House concurred in Senate amendment with an amendment.

Dec. 16, 17, Senate concurred in House amendment.

WEEKLY COMPILATION OF PRESIDENTIAL DOCUMENTS, Vol. 11, No. 52:

Dec. 22, Presidential statement.

Public Law 94-164
94th Congress
An Act

Dec. 23, 1975
[H.R. 9968]

To change certain income tax provisions of the Internal Revenue Code of 1954, and for other purposes.

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

Revenue Adjustment Act of 1975.
26 USC 1 note.

SECTION 1. SHORT TITLE.

This Act may be cited as the "Revenue Adjustment Act of 1975".

SEC. 1A. DECLARATION OF POLICY.

26 USC 1 note.

(a) Congress is determined to continue the tax reduction for the first 6 months of 1976 in order to assure continued economic recovery.

(b) Congress is also determined to continue to control spending levels in order to reduce the national deficit.

(c) Congress reaffirms its commitments to the procedures established by the Congressional Budget and Impoundment Control Act of 1974 under which it has already established a binding spending ceiling for the fiscal year 1976.

31 USC 1301 note.

(d) If the Congress adopts a continuation of the tax reduction provided by this Act beyond June 30, 1976, and if economic conditions warrant doing so, Congress shall provide, through the procedures in the Budget Act, for reductions in the level of spending in the fiscal year 1977 below what would otherwise occur, equal to any additional reduction in taxes (from the 1974 tax rate levels) provided for the fiscal year 1977: *Provided, however*, That nothing shall preclude the right of the Congress to pass a budget resolution containing a higher or lower expenditure figure if the Congress concludes that this is warranted by economic conditions or unforeseen circumstances.

SEC. 2. INDIVIDUAL INCOME TAX REDUCTIONS.

(a) LOW INCOME ALLOWANCE.—

26 USC 141.

(1) INCREASE.—Subsection (c) of section 141 of the Internal Revenue Code of 1954 (relating to low income allowance) is amended to read as follows:

"(c) LOW INCOME ALLOWANCE.—

"(1) IN GENERAL.—The low income allowance is—

"(A) $2,100 in the case of—

26 USC 6013.

"(i) a joint return under section 6013, or

"(ii) a surviving spouse (as defined in section 2(a)),

"(B) $1,700 in the case of an individual who is not married and who is not a surviving spouse (as so defined), or

"(C) $1,050 in the case of a married individual filing a separate return.

"(2) APPLICATION OF 6-MONTH RULE.—Notwithstanding the provisions of paragraph (1), the following amounts shall be substituted for the amount set forth in paragraph (1)—

"(A) '$1,700' for '$2,100' in subparagraph (A),

"(B) '$1,500' for '$1,700' in subparagraph (B), and

"(C) '$850' for '$1,050' in subparagraph (C).".

(2) CHANGE IN FILING REQUIREMENTS TO REFLECT INCREASE IN LOW INCOME ALLOWANCE.—Paragraph (1)(A) of section 6012(a) of such Code (relating to persons required to make returns of income) is amended—

26 USC 6012.

(A) by striking out "$2,350" in clause (i) of such paragraph and inserting in lieu thereof "$2,450";

(B) by striking out "$2,650" in clause (ii) of such paragraph and inserting in lieu thereof "$2,850"; and

(C) by striking out "$3,400" in clause (iii) of such paragraph and inserting in lieu thereof "$3,600".

(b) PERCENTAGE STANDARD DEDUCTION.—

(1) INCREASE.—Subsection (b) of section 141 of such Code (relating to percentage standard deduction) is amended to read as follows: 26 USC 141.

"(b) PERCENTAGE STANDARD DEDUCTION.—

"(1) GENERAL RULE.—The percentage standard deduction is an amount equal to 16 percent of adjusted gross income but not to exceed—

"(A) $2,800 in the case of—

"(i) a joint return under section 6013, or 26 USC 6013.

"(ii) a surviving spouse (as defined in section 2(a)),

"(B) $2,400 in the case of an individual who is not married and who is not a surviving spouse (as so defined), or

"(C) $1,400 in the case of a married individual filing a separate return.

"(2) APPLICATION OF 6-MONTH RULE.—Notwithstanding the provisions of paragraph (1) of this subsection, the following amounts shall be substituted for the amounts set forth in paragraph (1)—

"(A) '$2,400' for '$2,800' in subparagraph (A),

"(B) '$2,200' for '$2,400' in subparagraph (B), and

"(C) '$1,200' for '$1,400' in subparagraph (C).".

(2) CONFORMING AMENDMENTS.—Section 3402(m) of such Code (relating to withholding allowances based on itemized deductions) is amended— 26 USC 3402.

(A) by striking out "$2,600" in paragraph (1)(B) and inserting in lieu thereof "$2,800", and

(B) by striking out "$2,300" in such paragraph and inserting in lieu thereof "$2,400".

(c) EARNED INCOME CREDIT.—Subsections (a) and (b) of section 43 of such Code (relating to earned income credit) are amended to read as follows: 26 USC 43.

"(a) ALLOWANCE OF CREDIT.—

"(1) GENERAL RULE.—In the case of an eligible individual, there shall be allowed as a credit against the tax imposed by this chapter for the taxable year an amount equal to 10 percent of so much of the earned income for the taxable year as does not exceed $4,000.

"(2) APPLICATION OF 6-MONTH RULE.—Notwithstanding the provisions of paragraph (1), the term '5 percent' shall be substituted for the term '10 percent' where it appears in that paragraph.".

"(b) LIMITATION.—

"(1) GENERAL RULE.—The amount of the credit allowable to a taxpayer under subsection (a) for any taxable year shall be reduced (but not below zero) by an amount equal to 10 percent of so much of the adjusted gross income (or, if greater, the earned income) of the taxpayer for the taxable year as exceeds $4,000.

"(2) APPLICATION OF 6-MONTH RULE.—Notwithstanding the provisions of paragraph (1), the term '5 percent' shall be substituted for the term '10 percent' where it appears in that paragraph.".

26 USC 43 note. (d) DISREGARD OF REFUND.—Any refund of Federal income taxes made to any individual by reason of section 43 of the Internal Revenue Code of 1954 (relating to earned income credit) shall not be taken into account as income or receipts for purposes of determining the eligibility, for the month in which such refund is made or any month thereafter which begins prior to July 1, 1976, of such individual or any other individual for benefits or assistance, or the amount or extent of benefits or assistance, under any Federal program or under any State or local program financed in whole or in part with Federal funds, but only if such individual (or the family unit of which he is a member) is a recipient of benefits or assistance under such a program for the month before the month in which such refund is made.

26 USC 42 note. (e) EXTENSION OF CERTAIN LOW-INCOME ALLOWANCE, PERCENTAGE STANDARD DEDUCTION, AND TAX CREDIT PROVISIONS.—The last sentence of section 209(a) of the Tax Reduction Act of 1975 is amended to read as follows: "The amendments made by section 201(a) and 202(a) shall cease to apply to taxable years ending after December 31, 1975; those made by sections 201(b), 201(c), and 203 shall cease to apply to taxable years ending after December 31, 1976.".

Ante, p. 35.

26 USC 42 note.

26 USC 43 note. (f) EXTENSION OF EARNED INCOME CREDIT.—Section 209(b) of the Tax Reduction Act of 1975 (relating to effective date for section 204) is amended by striking out "January 1, 1976," and inserting in lieu thereof "January 1, 1977.".

26 USC 42 note. (g) EFFECTIVE DATE.—The amendments made by this section apply to taxable years ending after December 31, 1975, and before January 1, 1977.

SEC. 3. TAXABLE INCOME CREDIT.

(a) TAXABLE INCOME CREDIT.—

26 USC 42. (1) IN GENERAL.—Section 42 of the Internal Revenue Code of 1954 (relating to credit for personal exemptions) is amended to read as follows:

"SEC. 42. TAXABLE INCOME CREDIT.

"(a) ALLOWANCE OF CREDIT.—

"(1) IN GENERAL.—In the case of an individual, there shall be allowed as a credit against the tax imposed by this chapter for the taxable year an amount equal to the greater of—

"(A) 2 percent of so much of the taxpayer's taxable income for the taxable year as does not exceed $9,000; or

"(B) $35 multiplied by each exemption for which the taxpayer is entitled to a deduction for the taxable year under subsection (b) or (e) of section 151.

26 USC 151.

"(2) APPLICATION OF SIX-MONTH RULE.—Notwithstanding the provisions of paragraph (1) of this subsection, the percentage "1 percent" shall be substituted for "2 percent" in subparagraph (A) of such paragraph, and the amount "$17.50" shall be substituted for the amount "$35" in subparagraph (B) of such paragraph.

"(b) APPLICATION WITH OTHER CREDITS.—The credit allowed by subsection (a) shall not exceed the amount of the tax imposed by this chapter for the taxable year. In determining the credits allowed under—

26 USC 33. "(1) section 33 (relating to foreign tax credit),

26 USC 37. "(2) section 37 (relating to retirement income credit),

26 USC 38. "(3) section 38 (relating to investment in certain depreciable property),

"(4) section 40 (relating to expenses of work incentive programs), and 26 USC 40.

"(5) section 41 (relating to contributions to candidates for public office), 26 USC 41.

the tax imposed by this chapter shall (before any other reductions) be reduced by the credit allowed by this section.

"(c) SPECIAL RULE FOR MARRIED INDIVIDUALS FILING SEPARATE RETURNS.—

"(1) IN GENERAL.—Notwithstanding subsection (a), in the case of a married individual who files a separate return for the taxable year, the amount of the credit allowable under subsection (a) for the taxable year shall be equal to either—

"(A) the amount determined under paragraph (1)(A) of subsection (a); or

"(B) if this subparagraph applies to the individual for the taxable year, the amount determined under paragraph (1)(B) of subsection (a).

For purposes of the preceding sentence, paragraph (1) of subsection (a) shall be applied by substituting '$4,500' for '$9,000'.

"(2) APPLICATION OF PARAGRAPH (1)(B).—Subparagraph (B) of paragraph (1) shall apply to any taxpayer for any taxable year if—

"(A) such taxpayer elects to have such subparagraph apply for such taxable year, and

"(B) the spouse of such taxpayer elects to have such subparagraph apply for any taxable year corresponding, for purposes of section 142(a), to the taxable year of the taxpayer. 26 USC 142.

Any such election shall be made at such time, and in such manner, as the Secretary or his delegate shall by regulations prescribe.

"(3) MARITAL STATUS.—For purposes of this subsection, the determination of marital status shall be made under section 143. 26 USC 143.

"(d) CERTAIN PERSONS NOT ELIGIBLE.—This section shall not apply to any estate or trust, nor shall it apply to any nonresident alien individual.".

(2) CLERICAL AMENDMENT.—The table of sections for subpart A of part IV of subchapter A of chapter 1 of such Code is amended by striking out the item relating to section 42 and inserting in lieu thereof the following:

"Sec. 42. Taxable income credit.".

(b) EFFECTIVE DATE.—The amendments made by subsection (a) shall apply to taxable years ending after December 31, 1975. Such amendments shall cease to apply to taxable years ending after December 31, 1976. 26 USC 42 note.

SEC. 4. CORPORATE TAX RATES AND SURTAX EXEMPTION.

(a) CORPORATE NORMAL TAX.—Section 11(a) of the Internal Revenue Code of 1954 (relating to corporate normal tax) is amended to read as follows: 26 USC 11.

"(b) NORMAL TAX.—

"(1) GENERAL RULE.—The normal tax is equal to—

"(A) in the case of a taxable year ending after December 31, 1976, 22 percent of the taxable income, and

"(B) in the case of a taxable year ending after December 31, 1974, and before January 1, 1977, the sum of—

"(i) 20 percent of so much of the taxable income as does not exceed $25,000, plus

"(ii) 22 percent of so much of the taxable income as exceeds $25,000.

"(2) SIX-MONTH APPLICATION OF GENERAL RULE.—

"(A) CALENDAR YEAR TAXPAYERS.—Notwithstanding the provisions of paragraph (1), in the case of a taxpayer who has as his taxable year the calendar year 1976, the normal tax for such taxable year is equal to the sum of—

"(i) 21 percent of so much of the taxable income as does not exceed $25,000, plus

"(ii) 22 percent of so much of the taxable income as exceeds $25,000.

"(B) FISCAL YEAR TAXPAYERS.—Notwithstanding the provisions of paragraph (1), in the case of a taxpayer whose taxable year is not the calendar year, effective on July 1, 1976, paragraph (1) shall cease to apply and the normal tax shall be 22 percent.".

26 USC 11.

(b) CORPORATE SURTAX.—Section 11(c) of such Code (relating to surtax) is amended to read as follows:

"(c) SURTAX.—

"(1) GENERAL RULE.—The surtax is 26 percent of the amount by which the taxable income exceeds the surtax exemption for the taxable year.

"(2) SPECIAL RULE FOR 1976 FOR CALENDAR YEAR TAXPAYERS.—Notwithstanding the provisions of paragraph (1), in the case of a taxpayer who has as his taxable year the calendar year 1976, the surtax for such taxable year is—

"(A) 13 percent of the amount by which the taxable income exceeds the $25,000 surtax exemption (as in effect under subsection (d)(2)) but does not exceed $50,000, plus

"(B) 26 percent of the amount by which the taxable income exceeds $50,000.".

(c) SURTAX EXEMPTION.—Section 11(d) of such Code (relating to surtax exemption) is amended to read as follows:

"(d) SURTAX EXEMPTION.—

"(1) GENERAL RULE.—For purposes of this subtitle, the surtax exemption for any taxable year is $50,000, except that, with respect to a corporation to which section 1561 or 1564 (relating to surtax exemptions in case of certain controlled corporations) applies for the taxable year, the surtax exemption for the taxable year is the amount determined under such section.

26 USC 1561, 1564.

"(2) SIX-MONTH APPLICATION OF GENERAL RULE.—Notwithstanding the provisions of paragraph (1)—

"(A) CALENDAR YEAR TAXPAYERS.—In the case of a taxpayer who has as his taxable year the calendar year 1976, the provisions of paragraph (1) shall be applied for such taxable year by substituting the amount '$25,000' for the amount '$50,000' appearing therein.

"(B) FISCAL YEAR TAXPAYERS.—In the case of a taxpayer whose taxable year is not the calendar year, effective on July 1, 1976, paragraph (1) shall be applied by substituting the amount '$25,000' for the amount '$50,000' appearing therein, and such substitution shall be treated, for purposes of section 21, as a change in a rate of tax.".

(d) TECHNICAL AND CONFORMING CHANGES.—

(1) Section 1561(a)(1) of such Code (relating to limitations on certain multiple tax benefits in the case of certain controlled corporations) as such section is in effect for taxable years ending after December 31, 1975, is amended by striking out "$25,000".

Section 962(c) of such Code (relating to surtax exemption for individuals electing to be subject to tax at corporate rates) as such section is in effect for taxable years ending after December 31, 1975, is amended by striking out "$25,000" and inserting in lieu thereof "the surtax exemption". 26 USC 962.

(2) Section 21(f) of such Code (relating to increase in surtax exemptions) is amended— 26 USC 21.

(A) by striking out "INCREASE" in the caption and inserting "CHANGE" in lieu thereof, and

(B) by inserting after "Tax Reduction Act of 1975" the following: "and the change made by section 3(c) of the Revenue Adjustment Act of 1975".

(e) EFFECTIVE DATES.—The amendments made by subsections (b), (c), and (d) apply to taxable years beginning after December 31, 1975. The amendment made by subsection (c) ceases to apply for taxable years beginning after December 31, 1976. 26 USC 11 note.

SEC. 5. WITHHOLDING; ESTIMATED TAX PAYMENTS.

(a) WITHHOLDING.—

(1) IN GENERAL.—Section 3402(a) of the Internal Revenue Code of 1954 (relating to income tax collected at source), as amended by section 205 of the Tax Reduction Act of 1975, is amended by inserting after the second sentence thereof the following: "The tables so prescribed with respect to wages paid after December 31, 1975, and before July 1, 1976, shall be the same as the tables prescribed under this subsection which were in effect on December 10, 1975.". 26 USC 3402. *Ante*, p. 32.

(2) TECHNICAL AMENDMENT.—Section 209(c) of the Tax Reduction Act of 1975 is amended by striking out "January 1, 1976" and inserting in lieu thereof "July 1, 1976". *Ante*, p. 35. 26 USC 3402 note.

(b) ESTIMATED TAX PAYMENTS BY INDIVIDUALS.—Section 6153 of such Code (relating to installment payments of estimated income tax by individuals) is amended by adding at the end thereof the following new subsection: 26 USC 6153.

"(g) SIX-MONTH APPLICATION OF REVENUE ADJUSTMENT ACT OF 1975 CHANGES.—In the case of a taxpayer who has as his taxable year the calendar year 1976, the amount of any installment the payment of which is required to be made after December 31, 1975, and before July 1, 1976, may be computed without regard to section 42(a)(2), 43(a)(2), 43(b)(2), 141(b)(2), or 141(c)(2).". 26 USC 42, 43, 141.

(c) ESTIMATED TAX PAYMENTS BY CORPORATIONS.—Section 6154 of such Code (relating to installment payments of estimated income tax by corporations) is amended by adding at the end thereof the following new subsection: 26 USC 6154.

"(h) SIX-MONTH APPLICATION OF REVENUE ADJUSTMENT ACT OF 1975 CHANGES.—In the case of a corporation which has as its taxable year the calendar year 1976, the amount of any installment the payment of which is required to be made after December 31, 1975, and before July 1, 1976, may be computed without regard to sections 11(b)(2), 11(c)(2), and 11(d)(2).". 26 USC 11.

SEC. 6. ROLLING STOCK.

(a) EXCLUSION FROM INCOME.—Section 883(a) of the Internal Revenue Code of 1954 is hereby amended by adding at the end thereof the following new paragraph: 26 USC 883.

"(3) RAILROAD ROLLING STOCK OF FOREIGN CORPORATIONS.—Earnings derived from payments by a common carrier for the use on a temporary basis (not expected to exceed a total of 90 days in any taxable year) of railroad rolling stock owned by a corporation of

a foreign country which grants an equivalent exemption to corporations organized in the United States."

26 USC 883 note. (b) EFFECTIVE DATE.—The amendment made by this section shall apply to payments made after November 18, 1974.

SEC. 7. CERTAIN IRRIGATION FACILITIES.

26 USC 103. (a) IN GENERAL.—Section 103 of the Internal Revenue Code of 1954 (relating to interest on certain governmental obligations) is amended by redesignating subsection (e) as subsection (f) and by inserting after subsection (d) the following new subsection:

"(e) CERTAIN IRRIGATION DAMS.—A dam for the furnishing of water for irrigation purposes which has a subordinate use in connection with the generation of electric energy by water shall be treated as meeting the requirements of subsection (c) (4) (G) if—

"(1) substantially all of the stored water is contractually available for release from such dam for irrigation purposes, and

"(2) the water so released is available on reasonable demand to members of the general public.".

26 USC 103 note. (b) EFFECTIVE DATE.—The amendments made by this section shall apply to obligations issued after the date of the enactment of this Act.

Approved December 23, 1975.

LEGISLATIVE HISTORY:

HOUSE REPORT No. 94-531 (Comm. on Ways and Means).
SENATE REPORT No. 94-570 (Comm. on Finance).
CONGRESSIONAL RECORD, Vol. 121 (1975):
Oct. 6, considered and passed House.
Dec. 19, considered and passed Senate, amended; House concurred in Senate amendment with an amendment; Senate concurred in House amendment.

Public Law 94-165
94th Congress

An Act

Making appropriations for the Department of the Interior and related agencies for the fiscal year ending June 30, 1976, and the period ending September 30, 1976, and for other purposes.

Dec. 23, 1975
[H.R. 8773]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the following sums are appropriated, out of any money in the Treasury not otherwise appropriated, for the Department of the Interior and related agencies for the fiscal year ending June 30, 1976, and the period ending September 30, 1976, and for other purposes, namely:

Department of the Interior and Related Agencies Appropriation Act, 1976.

TITLE I—DEPARTMENT OF THE INTERIOR LAND AND WATER RESOURCES

Bureau of Land Management

MANAGEMENT OF LANDS AND RESOURCES

For expenses necessary for protection, use, improvement, development, disposal, cadastral surveying, classification, and performance of other functions, as authorized by law, in the management of lands and their resources under the jurisdiction of the Bureau of Land Management, $189,582,000.

For "Management of lands and resources" for the period July 1, 1976, through September 30, 1976, $58,192,000.

CONSTRUCTION AND MAINTENANCE

For acquisition, construction and maintenance of buildings, appurtenant facilities, and other improvements, and maintenance of access roads, $8,911,000, to remain available until expended.

For "Construction and maintenance" for the period July 1, 1976, through September 30, 1976, to remain available until expended, $2,238,000.

PUBLIC LANDS DEVELOPMENT ROADS AND TRAILS (LIQUIDATION OF CONTRACT AUTHORITY)

For liquidation of obligations incurred pursuant to authority contained in title 23, United States Code, section 203, $3,183,000, to remain available until expended.

For "Public lands development roads and trails (liquidation of contract authority)" for the period July 1, 1976, through September 30, 1976, to remain available until expended, $1,121,000.

OREGON AND CALIFORNIA GRANT LANDS

For expenses necessary for management, protection, and development of resources and for construction, operation, and maintenance of access roads, reforestation, and other improvements on the revested Oregon and California Railroad grant lands, on other Federal lands

in the Oregon and California land-grant counties of Oregon, and on adjacent rights-of-way; and acquisition of rights-of-way and of existing connecting roads on or adjacent to such lands; an amount equivalent to 25 per centum of the aggregate of all receipts during the current fiscal year from the revested Oregon and California Railroad grant lands, to remain available until expended: *Provided*, That the amount appropriated herein for the purposes of this appropriation on lands administered by the Forest Service shall be transferred to the Forest Service, Department of Agriculture: *Provided further*, That the amount appropriated herein for road construction on lands other than those administered by the Forest Service shall be transferred to the Federal Highway Administration, Department of Transportation: *Provided further*, That the amount appropriated herein is hereby made a reimbursable charge against the Oregon and California land grant fund and shall be reimbursed to the general fund in the Treasury in accordance with the provisions of the second paragraph of subsection (b) of title II of the Act of August 28, 1937 (50 Stat. 876).

43 USC 1181f.

For "Oregon and California grant lands", an amount equivalent to 25 per centum of the aggregate of all receipts during the period July 1, 1976, through September 30, 1976, to remain available until expended.

RANGE IMPROVEMENTS

For construction, purchase, and maintenance of range improvements pursuant to the provisions of sections 3 and 10 of the Act of June 28, 1934, as amended (43 U.S.C. 315), sums equal to the aggregate of all moneys received, during the current fiscal year, as range improvements fees under section 3 of said Act, 25 per centum of all moneys received, during the current fiscal year, under section 15 of said Act, and the amount designated for range improvements from grazing fees from Bankhead-Jones lands transferred to the Department of the Interior pursuant to law, to remain available until expended.

43 USC 315b, 315i.

43 USC 315m.

For "Range improvements" sums equal to the aggregate of all moneys received during the period July 1, 1976, through September 30, 1976, to remain available until expended.

RECREATION DEVELOPMENT AND OPERATION OF RECREATION FACILITIES

For construction, operation, and maintenance of outdoor recreation facilities, including collection of special recreation use fees, to remain available until expended, $300,000, to be derived from the special receipt accounts established by section 1(b) of the Act of July 15, 1968 (82 Stat. 354), and section 4(e) of the Act of July 11, 1972 (86 Stat. 461): *Provided*, That not more than 40 per centum of the amount credited pursuant to section 4(e) of the Act of July 11, 1972, shall be available for the enhancement of the fee collection system established by section 4 of such Act, including the promotion and enforcement thereof.

16 USC 460*l*-5 note.

16 USC 460*l*-6a.

For "Recreation development and operation of recreation facilities" for the period July 1, 1976, through September 30, 1976, $100,000, to remain available until expended.

ADMINISTRATIVE PROVISIONS

Appropriations for the Bureau of Land Management shall be available for purchase, erection, and dismantlement of temporary structures; and alteration and maintenance of necessary buildings and appurtenant facilities to which the United States has title: *Provided*,

That of appropriations herein made for the Bureau of Land Management expenditures in connection with the revested Oregon and California Railroad and reconveyed Coos Bay Wagon Road grant lands (other than expenditures made under the appropriation "Oregon and California grant lands") shall be reimbursed to the general fund of the Treasury from the 25 per centum referred to in subsection (c), title II, of the Act approved August 28, 1937 (50 Stat. 876), of the special fund designated the "Oregon and California land grant fund" and section 4 of the Act approved May 24, 1939 (53 Stat. 754), of the special fund designated the "Coos Bay Wagon Road grant fund": *Provided further*, That appropriations herein made may be expended on a reimbursable basis for (1) surveys of lands other than those under the jurisdiction of the Bureau of Land Management and (2) protection of lands for the State of Alaska: *Provided further*, That notwithstanding any other provisions of law, payments to States made in the period July 1, 1976, through September 30, 1976, under the Mineral Leasing Act of 1920 (30 U.S.C. 191, 30 U.S.C. 285), will be based on receipts collected during the period January 1, 1976, through June 30, 1976: *Provided further*, That notwithstanding any other provisions of law, Bureau of Land Management payments to States and counties made in the period July 1, 1976, through September 30, 1976, under statutes other than the Mineral Leasing Act of 1920, will be based on receipts collected during the period July 1, 1975, through June 30, 1976.

Office of Water Research and Technology

SALARIES AND EXPENSES

For expenses necessary in carrying out the provisions of the Water Resources Research Act of 1964, as amended (42 U.S.C. 1961–1961c–7), $18,180,000, of which $4,100,000 shall remain available until expended: *Provided*, That the unexpended balances of the appropriations for "Salaries and expenses," Office of Water Resources Research, and "Saline water conversion" shall be merged with this appropriation.

For "Salaries and expenses" for the period July 1, 1976, through September 30, 1976, $4,411,000.

FISH AND WILDLIFE AND PARKS

Bureau of Outdoor Recreation

SALARIES AND EXPENSES

For necessary expenses of the Bureau of Outdoor Recreation, not otherwise provided for, $5,737,000.

For "Salaries and expenses" for the period July 1, 1976, through September 30, 1976, $1,444,000.

LAND AND WATER CONSERVATION FUND

For expenses necessary to carry out the provisions of the Land and Water Conservation Fund Act of 1965 as amended (16 U.S.C. 460l–4–11 as supplemented by Public Law 93–303), including $6,193,000 for administrative expenses of the Bureau of Outdoor Recreation during the current fiscal year, and acquisition of land or waters, or interest therein, in accordance with the statutory authority applicable to the State or Federal agency concerned, to be derived from the Land and Water Conservation Fund, established by section 2 of said Act as amended, to remain available until expended, not to

16 USC 460*l*-6a.

16 USC 460*l*-5.

exceed $308,086,000, of which (1) not to exceed $175,840,000 shall be available for payments to the States in accordance with section 6(c) of
16 USC 460*l*-8. said Act; (2) not to exceed $77,648,000 shall be available to the National Park Service; (3) not to exceed $36,980,000 shall be available to the Forest Service; (4) not to exceed $9,425,000 shall be available to the United States Fish and Wildlife Service; and (5) not to exceed $2,000,000 shall be available to the Bureau of Land Management.

For "Land and Water Conservation Fund" for the period July 1, 1976, through September 30, 1976, not to exceed $75,988,000, to be derived from said Fund, to remain available until expended, in not to exceed the following amounts: $1,548,000 for administrative expenses of the Bureau of Outdoor Recreation during said period; $43,960,000 for payments to the States; $19,280,000 to the National Park Service; $7,600,000 to the Forest Service; $3,200,000 to the United States Fish and Wildlife Service; and $400,000 to the Bureau of Land Management: *Provided*, That the total amount of income to be credited to said Fund for said period under section 2 of the Land
16 USC 460*l*-5. and Water Conservation Fund Act of 1965 as amended shall be $75,988,000.

UNITED STATES FISH AND WILDLIFE SERVICE

RESOURCE MANAGEMENT

For expenses necessary for scientific and economic studies, conservation, management, investigations, protection, and utilization of sport fishery and wildlife resources, except whales, seals, and sea lions, and for the performance of other authorized functions related to such resources; and maintenance of the herd of long-horned cattle on the Wichita Mountains Wildlife Refuge, $117,746,000, of which not to exceed $2,000,000 shall remain available until expended.

For "Resource management" for the period July 1, 1976, through September 30, 1976, $28,639,000.

CONSTRUCTION AND ANADROMOUS FISH

For construction and acquisition of buildings and other facilities required in the conservation, management, investigations, protection, and utilization of sport fishery and wildlife resources, and the acquisition of lands and interests therein; and for expenses necessary to carry out the Anadromous Fish Conservation Act (16 U.S.C. 757a–757f); $17,706,000, to remain available until expended.

For "Construction and anadromous fish" for the period July 1, 1976, through September 30, 1976, $1,060,000, to remain available until expended.

MIGRATORY BIRD CONSERVATION ACCOUNT

For an advance to the migratory bird conservation account, as authorized by the Act of October 4, 1971, as amended (16 U.S.C. 715k–3, 5; 81 Stat. 612), $7,500,000, to remain available until expended.

ADMINISTRATIVE PROVISIONS

Appropriations and funds available to the United States Fish and Wildlife Service shall be available for purchase of not to exceed one hundred and four passenger motor vehicles, of which ninety-four are for replacement only (including sixty for police-type use); not to exceed $50,000 for payment, in the discretion of the Secretary, for information or evidence concerning violations of laws administered by

the United States Fish and Wildlife Service; miscellaneous and emergency expenses of enforcement activities, authorized or approved by the Secretary and to be accounted for solely on his certificate, not to exceed $40,000; publication and distribution of bulletins as authorized by law (7 U.S.C. 417); insurance on official motor vehicles, aircraft and boats operated by the United States Fish and Wildlife Service in Mexico and Canada; repair of damage to public roads within and adjacent to reservation areas caused by operations of the United States Fish and Wildlife Service; options for the purchase of land at not to exceed $1 for each option; facilities incident to such public recreational uses on conservation areas as are not inconsistent with their primary purpose, and the maintenance and improvement of acquaria, buildings and other facilities under the jurisdiction of the United States Fish and Wildlife Service and to which the United States has title, and which are utilized pursuant to law in connection with management and investigation of fish and wildlife resources.

National Park Service

OPERATION OF THE NATIONAL PARK SYSTEM

For expenses necessary for the management, operation, and maintenance of areas and facilities administered by the National Park Service (including special road maintenance service to trucking permittees on a reimbursable basis), $243,588,000.

For "Operation of the national park system" for the period July 1, 1976, through September 30, 1976, $75,772,000.

PLANNING AND CONSTRUCTION

For construction, improvements, repair or replacement of physical facilities, without regard to the Act of August 24, 1912, as amended (16 U.S.C. 451); the acquisition of water rights; expenses necessary for investigations and studies to determine suitability of areas to be included in the National Park System, the designation of wilderness areas, and the management of water resources; the preparation of plans for existing and proposed park and recreation areas; provisions of technical assistance to other Federal agencies, and to States and private institutions in the planning, development, and operation of landmarks, parks, and recreation areas; and for financial or other assistance in planning, development, or operation of areas as authorized by law or pursuant to agreements with other Federal agencies, States, or private institutions, including not to exceed $396,000 for the Roosevelt Campobello International Park Commission, $27,215,000, to remain available until expended.

For "Planning and construction" for the period July 1, 1976, through September 30, 1976, $7,100,000, to remain available until expended.

ROAD CONSTRUCTION (LIQUIDATION OF CONTRACT AUTHORITY)

For liquidation of obligations incurred pursuant to authority contained in title 23, United States Code, section 203, $40,115,000, to remain available until expended.

For "Road construction (liquidation of contract authority)" for the period July 1, 1976, through September 30, 1976, $9,900,000, to remain available until expended.

PRESERVATION OF HISTORIC PROPERTIES

For expenses necessary in carrying out a program for the preservation of additional historic properties throughout the Nation, as authorized by law (16 U.S.C. 461–467, 470), and investigations, studies, and salvage of archeological values, $24,666,000, to remain available until expended.

For "Preservation of historic properties" for the period July 1, 1976, through September 30, 1976, $6,040,000, to remain available until expended.

JOHN F. KENNEDY CENTER FOR THE PERFORMING ARTS

For expenses necessary for operating and maintaining the nonperforming arts functions of the John F. Kennedy Center for the Performing Arts, $2,575,000.

For "John F. Kennedy Center for the Performing Arts" for the period July 1, 1976, through September 30, 1976, $741,000.

PLANNING, DEVELOPMENT AND OPERATION OF RECREATION FACILITIES

For construction, operation, and maintenance of outdoor recreation facilities, without regard to the Act of August 24, 1912, as amended (16 U.S.C. 451); including collection of special recreation use fees, to remain available until expended, $14,000,000, to be derived from the special receipt accounts established by section 1(b) of the Act of July 15, 1968, (82 Stat. 354), and section 4(e) of the Act of July 11, 1972 (86 Stat. 461): *Provided*, That not more than 40 per centum of the amount credited pursuant to section 4(e) of the Act of July 11, 1972, shall be available for the enhancement of the fee collection system established by section 4 of such Act, including the promotion and enforcement thereof.

16 USC 460*l*-5 note.
16 USC 460*l*-6a.

For "Planning, development and operation of recreation facilities" for the period July 1, 1976, through September 30, 1976, $5,000,000, to remain available until expended.

ADMINISTRATIVE PROVISIONS

Appropriations for the National Park Service shall be available for the purchase of not to exceed three hundred eighty-three passenger motor vehicles, of which two hundred sixty-three shall be for replacement only, including not to exceed two hundred twenty-four for police-type use; purchase of one aircraft (for replacement only); and to provide, notwithstanding any other provision of law, at a cost not exceeding $100,000, transportation for children in nearby communities to and from any unit of the National Park System used in connection with organized recreation and interpretive programs of the National Park Service: *Provided*, That any funds available to the National Park Service may be used, with the approval of the Secretary, to maintain law and order in emergency and other unforeseen law enforcement situations in the National Park System; and to provide insurance on official motor vehicles and aircraft operated by the National Park Service in Mexico and Canada.

ENERGY AND MINERALS

GEOLOGICAL SURVEY

SURVEYS, INVESTIGATIONS, AND RESEARCH

For expenses necessary for the Geological Survey to perform surveys, investigations, and research covering topography, geology, and the mineral and water resources of the United States, its Territories and possessions, and other areas as authorized by law (72 Stat. 837 and 76 Stat. 427); classify lands as to mineral character and water and power resources; give engineering supervision to power permits and Federal Power Commission licenses; enforce departmental regulations applicable to oil, gas, and other mining leases, permits, licenses, and operating contracts; control the interstate shipment of contraband oil as required by law (15 U.S.C. 715); administer the minerals exploration program (30 U.S.C. 641); and publish and disseminate data relative to the foregoing activities; $267,247,000, of which $26,954,000 shall be available only for cooperation with States or municipalities for water resources investigations: *Provided*, That no part of this appropriation shall be used to pay more than one-half the cost of any topographic mapping or water resources investigations carried on in cooperation with any State or municipality. 43 USC 31. 43 USC 50.

For "Surveys, investigations, and research" for the period July 1, 1976, through September 30, 1976: $67,400,000, of which $6,740,000 shall be available only for cooperation with States or municipalities for water resources investigations: *Provided*, That no part of this appropriation shall be used to pay more than one-half of the cost of any topographic mapping or water resources investigations carried on with any State or municipality. 43 USC 50.

ADMINISTRATIVE PROVISIONS

The amount appropriated for the Geological Survey shall be available for purchase of not to exceed thirty-one passenger motor vehicles, for replacement only; reimbursement to the General Services Administration for security guard services, contracting for the furnishing of topographic maps and for the making of geophysical or other specialized surveys when it is administratively determined that such procedures are in the public interest; construction and maintenance of necessary buildings and appurtenant facilities; acquisition of lands for observation wells; expenses of the U.S. National Committee on Geology; and payment of compensation and expenses of persons on the rolls of the Geological Survey appointed, as authorized by law, to represent the United States in the negotiation and administration of interstate compacts.

MINING ENFORCEMENT AND SAFETY ADMINISTRATION

SALARIES AND EXPENSES

For expenses necessary to promote health and safety in mines and in the minerals industry through development, promulgation and enforcement of regulations, including mine inspections, technical support, and education and training as authorized by law, $79,473,000, of which not to exceed $1,500,000 shall remain available until expended for the construction of facilities: *Provided*, That no part of the funds

appropriated by this Act shall be used to pay any public relations firm for any promotional campaigns among coal miners.

For "Salaries and expenses" for the period July 1, 1976, through September 30, 1976, $20,205,000.

ADMINISTRATIVE PROVISIONS

Appropriations and funds available to the Mining Enforcement and Safety Administration may be expended for purchase and bestowal of certificates and trophies in connection with mine rescue and first-aid work: *Provided*, That the Secretary is authorized to accept lands, buildings, equipment, and other contributions from public and private sources and to prosecute projects in cooperation with other agencies, Federal, State, or private: *Provided further*, That the Mining Enforcement and Safety Administration is authorized to promote health and safety education and training in the mining community through cooperative programs with States, industry, and safety associations: *Provided further*, That any funds available to the Department may be used, with the approval of the Secretary, to provide for the costs of mine rescue and survival operations in the event of major mine disasters.

BUREAU OF MINES

MINES AND MINERALS

For expenses necessary for conducting inquiries, technological investigations and research concerning the extraction, processing, use and disposal of mineral substances without objectionable social and environmental costs; to foster and encourage private enterprise in the development of mineral resources and the prevention of waste in the mining, minerals, metal and mineral reclamation industries; to inquire into the economic conditions affecting those industries; to promote health and safety in mines and the mineral industry through research; and for other related purposes as authorized by law; $157,387,000, of which $96,610,000 shall remain available until expended: *Provided*, That no part of the sum herein appropriated shall be used for the field testing of nuclear explosives in the recovery of oil and gas.

For "Mines and minerals" for the period July 1, 1976, through September 30, 1976, $39,005,000, of which $22,600,000 shall remain available until expended.

ADMINISTRATIVE PROVISIONS

The Secretary is authorized to accept lands, buildings, equipment, and other contributions from public and private sources and to prosecute projects in cooperation with other agencies, Federal, State, or private: *Provided*, That the Bureau of Mines is authorized during the current fiscal year, to sell directly or through any Government agency, including corporations, any metal or mineral product that may be manufactured in pilot plants operated by the Bureau of Mines, and the proceeds of such sales shall be covered into the Treasury as miscellaneous receipts.

INDIAN AFFAIRS

BUREAU OF INDIAN AFFAIRS

OPERATION OF INDIAN PROGRAMS

For expenses necessary to provide education and welfare services for Indians, either directly or in cooperation with States and other organizations, including payment (in advance or from date of admission), of care, tuition, assistance, and other expenses of Indians in boarding homes, institutions, or schools; grants and other assistance to needy Indians; maintenance of law and order, and payment of rewards for information or evidence concerning violations of law on Indian reservations lands, or treaty fishing rights tribal use areas; management, development, improvement, and protection of resources and appurtenant facilities under the jurisdiction of the Bureau of Indian Affairs, including payment of irrigation assessments and charges; acquisition of water rights; advances for Indian industrial and business enterprises; operation of Indian arts and crafts shops and museums; development of Indian arts and crafts, as authorized by law; and for the general administration of the Bureau of Indian Affairs, including such expenses in field offices, $542,918,000, of which not to exceed $30,952,000 for assistance to public schools shall remain available for obligation until September 30, 1977: *Provided*, That the amount made available to each State from sums appropriated for fiscal year 1976 for assistance to public schools shall not be less than the amount made available for comparable purposes for fiscal year 1975.

For "Operation of Indian programs" for the period July 1, 1976, through September 30, 1976, $174,167,000, of which not to exceed $7,300,000 for assistance to public schools shall remain available for obligation until September 30, 1977.

CONSTRUCTION

For construction, major repair and improvement of irrigation and power systems, buildings, utilities, and other facilities; acquisition of lands and interests in lands; preparation of lands for farming; and architectural and engineering services by contract, $73,922,000, to remain available until expended: *Provided*, That such amounts as may be available for the construction of the Navajo Indian Irrigation Project may be transferred to the Bureau of Reclamation: *Provided further*, That not to exceed $200,000 shall be available to assist the Pyramid Lake Paiute Tribe of Indians in the construction of facilities for the restoration of the Pyramid Lake fishery pursuant to the Washoe Act (43 U.S.C. 614): *Provided further*, That not to exceed $2,229,000 shall be available for assistance to the Ramah Navajo School Board, Incorporated, New Mexico, for the construction of school facilities.

For "Construction" for the period July 1, 1976, through September 30, 1976, $13,550,000, to remain available until expended.

ROAD CONSTRUCTION (LIQUIDATION OF CONTRACT AUTHORITY)

For liquidation of obligations incurred pursuant to authority contained in title 23, United States Code, section 203, as amended by Federal-Aid Highway Amendments of 1974, $66,705,000, to remain available until expended. 23 USC 101 note.

For "Road construction (liquidation of contract authority)" for the period July 1, 1976, through September 30, 1976, $28,000,000, to remain available until expended.

INDIAN LOAN GUARANTY AND INSURANCE FUND

For payment to the loan guaranty and insurance fund as authorized by the Indian Financing Act of 1974, Public Law 93–262, title III, section 302, to carry out the provisions of sections 217 and 301 of the above Act to (a) provide capital for a loan guaranty and insurance fund, (b) pay interest subsidy on guaranteed loans, and (c) pay administrative expenses, $10,000,000, to remain available until expended: *Provided*, That for the purpose of entering into contracts pursuant to title V, section 502 of the above Act, the Secretary is authorized to use not to exceed 5 per centum of any funds appropriated for any fiscal year pursuant to title III, section 302 of the above Act.

25 USC 1512.
25 USC 1497, 1511.
25 USC 1542.

REVOLVING FUND FOR LOANS

For payment to the revolving fund for loans, for loans as authorized by the Indian Financing Act of 1974, Public Law 93–262, title I, section 101, $3,000,000, to remain available until expended.

25 USC 1461.

MISCELLANEOUS APPROPRIATIONS

ALASKA NATIVE FUND

For transfer to the Alaska Native Fund to provide for settlement of certain land claims by Natives and Native groups of Alaska, and for other purposes, based on aboriginal land claims, as authorized by the Act of December 18, 1971 (Public Law 92–203), $70,000,000.

43 USC 1601 note.

For "Alaska Native Fund" for the period July 1, 1976, through September 30, 1976, $40,000,000.

TRUST FUND

In addition to the tribal funds authorized to be expended by existing law, there is hereby appropriated not to exceed $3,000,000 from tribal funds not otherwise available for expenditure for the benefit of Indians and Indian tribes, including pay and travel expenses of employees; care, tuition, and other assistance to Indian children attending public and private schools (which may be paid in advance or from date of admission); purchase of land and improvements on land, title to which shall be taken in the name of the United States in trust for the tribe for which purchased; lease of lands and water rights; compensation and expenses of attorneys and other persons employed by Indian tribes under approved contracts; pay, travel, and other expenses of tribal officers, councils, and committees thereof, or other tribal organizations, including mileage for use of privately owned automobiles and per diem in lieu of subsistence at rates established administratively but not to exceed those applicable to civilian employees of the Government; relief of Indians, without regard to section 7 of the Act of May 27, 1930 (46 Stat. 391) including cash grants: *Provided*, That in addition to the amount appropriated herein, tribal funds may be advanced to Indian tribes during the current fiscal year for such purposes as may be designated by the governing body of the particular tribe involved and approved by the Secretary.

18 USC 4124 note.

For "Trust fund" authorized by existing law to be expended for the period July 1, 1976, through September 30, 1976, not to exceed $750,000: *Provided*, That in addition to the amount appropriated herein, tribal funds may be advanced to Indian tribes during this period for such purposes as may be designated by the governing body of the particular tribe involved and approved by the Secretary.

ADMINISTRATIVE PROVISIONS

Appropriations for the Bureau of Indian Affairs (except the revolving fund for loans) shall be available for expenses of exhibits; purchase of not to exceed one hundred thirty-eight passenger carrying motor vehicles of which one hundred seven shall be for replacement only, which may be used for the transportation of Indians; advance payments for service (including services which may extend beyond the current fiscal year) under contracts executed pursuant to the Act of June 4, 1936 (25 U.S.C. 452), the Act of August 3, 1956 (25 U.S.C. 309), and legislation terminating Federal supervision over certain Indian tribes; and expenses required by continuing or permanent treaty provisions.

TERRITORIAL AFFAIRS

Office of Territorial Affairs

ADMINISTRATION OF TERRITORIES

For expenses necessary for the administration of Territories under the jurisdiction of the Department of the Interior, including expenses of the Office of the Governor of American Samoa, as authorized by law (48 U.S.C. 1661(c)); compensation and mileage of members of the legislature in American Samoa as authorized by law (48 U.S.C. 1661(c)); compensation and expenses of the judiciary in American Samoa, as authorized by law (48 U.S.C. 1661(c)); grants to American Samoa, in addition to current local revenues, for support of governmental functions; grants to Guam, as authorized by law (48 U.S.C. 1428–1428e); and personal services, household equipment and furnishings, and utilities necessary in the operation of the house of the Governor of American Samoa; $22,000,000, together with $975,000 for expenses of the office of the Government Comptroller for the Virgin Islands to be derived from "Internal Revenue Collections for Virgin Islands", as authorized by law (48 U.S.C. 1599(a)) and $600,000 for expenses of the office of the Government Comptroller for Guam to be derived from duties and taxes which would otherwise be covered into the Treasury of Guam, as authorized by law (48 U.S.C. 1422d(a)), to remain available until expended: *Provided*, That the Territorial and local government herein provided for are authorized to make purchases through the General Services Administration: *Provided further*, That appropriations available for the administration of Territories may be expended for the purchase, charter, maintenance, and operation of surface vessels for official purposes and for commercial transportation purposes found by the Secretary to be necessary.

48 USC 1401f, 1423*l*, 1665.

48 USC 1401f, 1423*l*, 1665.

For "Administration of territories" for the period July 1, 1976, through September 30, 1976, $3,800,000, to remain available until expended, together with $253,000 for expenses of the office of the Government Comptroller for the Virgin Islands and $185,000 for expenses of the office of the Government Comptroller for Guam: *Pro-*

48 USC 1470a.

48 USC 1470a.

vided, That the said period shall be treated as a fiscal year for purposes of calculating taxes to be transferred to the Government of the Virgin Islands as authorized by law (26 U.S.C. 7652(b)) and the amount so calculated and certified shall be transferred to the Government of the Virgin Islands in fiscal year 1977: *Provided further*, That any unobligated or unexpended balance of the Federal contribution to the Government of the Virgin Islands made pursuant to law (26 U.S.C. 7652(b)) remaining at the end of the period July 1, 1976, through September 30, 1976, shall remain available for expenditure in fiscal year 1977.

TRUST TERRITORY OF THE PACIFIC ISLANDS

For expenses necessary for the Department of the Interior in administration of the Trust Territory of the Pacific Islands pursuant to the Trusteeship Agreement approved by joint resolution of July 18, 1947, (61 Stat. 397), and the Act of June 30, 1954 (68 Stat. 330), as amended (84 Stat. 1559), including the expenses of the High Commissioner of the Trust Territory of the Pacific Islands; compensation and expenses of the Judiciary of the Trust Territory of the Pacific Islands; grants to the Trust Territory of the Pacific Islands in addition to local revenues, for support of governmental functions, and payment to the Trust Territory Economic Development Loan Fund pursuant to Public Law 92-257; $77,196,000, to remain available until expended: *Provided*, That all financial transactions of the Trust Territory, including such transactions of all agencies or instrumentalities established or utilized by such Trust Territory, shall be audited by the General Accounting Office in accordance with the provisions of the Budget and Accounting Act, 1921 (42 Stat. 23), as amended, and the Accounting and Auditing Act of 1950 (64 Stat. 834): *Provided further*, That the government of the Trust Territory of the Pacific Islands is authorized to make purchases through the General Services Administration: *Provided further*, That appropriations available for the administration of the Trust Territory of the Pacific Islands may be expended for the purchase, charter, maintenance, and operation of surface vessels for official purposes and for commercial transportation purposes found by the Secretary to be necessary in carrying out the provisions of article 6(2) of the Trusteeship Agreement approved by Congress.

22 USC 287 note.
48 USC 1681 note.
48 USC 1688.
48 USC 1683.
31 USC 1.
31 USC 65 note.
48 USC 1682.
48 USC 1687.

For "Trust Territory of the Pacific Islands" for the period July 1, 1976, through September 30, 1976, $15,100,000, to remain available until expended.

MICRONESIAN CLAIMS FUND, TRUST TERRITORY OF THE PACIFIC ISLANDS

For payment to the Micronesian Claims Fund for settlement of claims of Micronesian inhabitants of the Trust Territory of the Pacific Islands as may be determined by the Micronesian Claims Commission pursuant to the provisions of Title II of Public Law 92-39, $10,000,000, to remain available until expended.

50 USC app. 2020.

For "Micronesian Claims Fund" for the period July 1, 1976, through September 30, 1976, $8,600,000, to remain available until expended.

EX GRATIA PAYMENT, BIKINI ATOLL

Ante, p. 212.

As authorized by Public Law 94-34, $3,000,000 for an ex gratia payment to the people of Bikini Atoll in the Marshall Islands of the Trust Territory of the Pacific Islands.

SECRETARIAL OFFICES

OFFICE OF THE SOLICITOR

SALARIES AND EXPENSES

For necessary expenses of the Office of the Socilitor, $11,263,000.

For "Salaries and expenses" for the period July 1, 1976, through September 30, 1976, $2,665,000.

OFFICE OF THE SECRETARY

SALARIES AND EXPENSES

For necessary expenses of the Office of the Secretary of the Interior, including not to exceed $2,000 for official reception and representation expenses, $18,734,000.

For "Salaries and expenses" for the period July 1, 1976, through September 30, 1976, $4,203,000.

DEPARTMENTAL OPERATIONS

For necessary expenses for certain operations that provide departmentwide services, $12,153,000.

For "Departmental operations" for the period July 1, 1976, through September 30, 1976, $2,480,000.

SALARIES AND EXPENSES (SPECIAL FOREIGN CURRENCY PROGRAM)

For payment in foreign currencies which the Treasury Department shall determine to be excess to the normal requirements of the United States, for necessary expenses of the Office of the Secretary, as authorized by law, $1,494,000, to remain available until expended: *Provided*, That this appropriation shall be available, in addition to other appropriations, to such office for payments in the foregoing currencies (7 U.S.C. 1704).

For "Salaries and Expenses (Special Foreign Currency Program)" for the period July 1, 1976, through September 30, 1976, $75,000, to remain available until expended.

GENERAL PROVISIONS, DEPARTMENT OF THE INTERIOR

SEC. 101. Appropriations made in this title shall be available for expenditure or transfer (within each bureau or office), with the approval of the Secretary, for the emergency reconstruction, replacement, or repair of aircraft, buildings, utilities, or other facilities or equipment damaged or destroyed by fire, flood, storm, or other unavoidable causes: *Provided*, That no funds shall be made available under this authority until funds specifically made available to the Department of the Interior for emergencies shall have been exhausted. Facilities, emergency reconstruction.

SEC. 102. The Secretary may authorize the expenditure or transfer of any appropriation in this title, in addition to the amounts included in the budget programs of the several agencies, for the suppression or emergency prevention of forest or range fires on or threatening lands under jurisdiction of the Department of the Interior and for the emergency rehabilitation of burned-over lands under its jurisdiction: *Provided*, That appropriations made in this title for fire suppression purposes shall be available for the payment of obligations incurred during the preceding fiscal year, and for reimbursement to other Federal agencies for destruction of vehicles, aircraft, or other equipment Forest or range fires.

in connection with their use for fire suppression purposes, such reimbursement to be credited to appropriations currently available at the time of receipt thereof.

Service facilities.

SEC. 103. Appropriations made in this title shall be available for operation of warehouses, garages, shops, and similar facilities, wherever consolidation of activities will contribute to efficiency or economy, and said appropriations shall be reimbursed for services rendered to any other activity in the same manner as authorized by the Act of June 30, 1932 (31 U.S.C. 686): *Provided*, That reimbursements for costs of supplies, materials and equipment, and for services rendered may be credited to the appropriation current at the time such reimbursements are received.

SEC. 104. Appropriations made to the Department of the Interior in this title or in the Public Works for Water and Power Development and Energy Research Appropriation Act, 1976, shall be available for services as authorized by 5 U.S.C. 3109, when authorized by the Secretary, in total amount not to exceed $300,000; hire, maintenance, and operation of aircraft; hire of passenger motor vehicles; purchase of reprints; payment for telephone service in private residences in the field, when authorized under regulations approved by the Secretary; and the payment of dues, when authorized by the Secretary, for library membership in societies or associations which issue publications to members only or at a price to members lower than to subscribers who are not members.

Uniforms.

SEC. 105. Appropriations available to the Department of the Interior for salaries and expenses shall be available for uniforms or allowances therefor, as authorized by law (5 U.S.C. 5901–5902 and D.C. Code 4–204).

Surplus aircraft.

SEC. 106. In addition to the aircraft specifically authorized under this Act there is hereby authorized for acquisition five aircraft for replacement only, two of which shall be from surplus. Such acquisitions shall be integral to the provision of centralized aircraft services in Alaska.

SEC. 107. Appropriations made in this title shall be available for obligation in connection with contracts issued by the General Services Administration for services or rentals for periods not in excess of twelve months beginning at any time during the fiscal year.

SEC. 108. Notwithstanding any other provision of law, persons have heretofore and may hereafter be employed or otherwise contracted with by the Secretary of the Interior to perform work occasioned by emergencies such as fire, flood, storm, or any other unavoidable cause and may be compensated at regular rates of pay without regard to Sundays, Federal holidays, and the regular workweek.

TITLE II—RELATED AGENCIES

DEPARTMENT OF AGRICULTURE

FOREST SERVICE

FOREST PROTECTION AND UTILIZATION

For expenses necessary for forest protection and utilization, as follows:

Forest land management: For necessary expenses of the Forest Service, not otherwise provided for, including the administration, improvement, development, and management of lands, waters, or

interests therein, under Forest Service administration, fighting and preventing forest fires on or threatening such lands and emergency rehabilitation and for liquidation of obligations incurred in the preceding fiscal year for such purposes, control of white pine blister rust and other forest diseases and insects on Federal and non-Federal lands, implementation of forest advanced logging and conservation systems including necessary research and development related thereto, $365,821,000 of which $4,275,000 for fighting and preventing forest fires and for the emergency rehabilitation of burned-over lands under its jurisdiction and $10,000,000 for insect and disease control shall be apportioned for use, pursuant to section 3679 of the Revised Statutes, as amended, to the extent necessary under the then existing conditions: *Provided*, That funds appropriated for "Cooperative range improvements", pursuant to section 12 of the Act of April 24, 1950 (16 U.S.C. 580h), may be advanced to this appropriation: *Provided further*, That funds appropriated for the cooperative law enforcement program and insect and disease control shall remain available until expended. 31 USC 665.

Forest research: For forest research at forest and range experiment stations, the Forest Products Laboratory, or elsewhere, as authorized by law, $80,355,000.

State and private forestry cooperation: For cooperation with States in forest-fire prevention and suppression, in forest tree planting on non-Federal public and private lands, and in forest management and processing, and for advising timberland owners, associations, wood-using industries, and others in the application of forest management principles and processing of forest products, as authorized by law, $32,994,000.

For "Forest protection and utilization" for the period July 1, 1976, through September 30, 1976, as follows: "Forest land management", $117,000,000, of which $1,060,000 for cooperative law enforcement shall remain available until expended; "Forest research", $21,737,000; and "State and private forestry cooperation", $9,802,000.

CONSTRUCTION AND LAND ACQUISITION

For construction and acquisition of buildings and other facilities required in the conservation, management, investigation, protection and utilization of national forest resources, point discharge monitoring and evaluation, and non-point discharge surveillance monitoring and evaluation, and the acquisition of lands and interests therein necessary to these objectives, $18,134,000, to remain available until expended: *Provided*, That not more than $1,525,000 of this appropriation may be used for acquisition of land under the Act of March 1, 1911, as amended (16 U.S.C. 513-519).

For "Construction and land acquisition" for the period July 1, 1976, through September 30, 1976, $11,074,000, to remain available until expended.

YOUTH CONSERVATION CORPS

For expenses necessary to carry out the provisions of the Act of August 13, 1970, as amended by Public Law 93-408, $25,000,000, to remain available until the end of the fiscal year following the fiscal year for which appropriated: *Provided*, That $12,500,000 shall be available to the Secretary of the Interior and $12,500,000 shall be available to the Secretary of Agriculture. 16 USC 1701.

FOREST ROADS AND TRAILS (LIQUIDATION OF CONTRACT AUTHORITY)

For expenses necessary for carrying out the provisions of title 23, United States Code, sections 203 and 205, relating to the construction and maintenance of forest development roads and trails, $112,857,000, to remain available until expended, for liquidation of obligations incurred pursuant to authority contained in title 23, United States Code, section 203: *Provided*, That funds available under the Act of March 4, 1913 (16 U.S.C. 501) shall be merged with and made a part of this appropriation.

Funds available under the Act of March 4, 1913 (16 U.S.C. 501) during the period July 1, 1976, through September 30, 1976, shall be merged with and made a part of this appropriation and shall be used for expenses necessary for carrying out the provisions of title 23, United States Code, sections 203 and 205, relating to the construction and maintenance of forest development roads and trails, to remain available until expended.

ACQUISITION OF LANDS FOR NATIONAL FORESTS

SPECIAL ACTS

For acquisition of land to facilitate the control of soil erosion and flood damage originating within the exterior boundaries of the following national forests, in accordance with the provisions of the following Acts, authorizing annual appropriations of forest receipts for such purposes, and in not to exceed the following amounts from such receipts, Cache National Forest, Utah, Act of May 11, 1938 (52 Stat. 347), as amended, $20,000; Uinta and Wasatch National Forests, Utah, Act of August 26, 1935 (49 Stat. 866), as amended, $30,000; Toiyabe National Forest, Nevada, Act of June 25, 1938 (52 Stat. 1205), as amended, $10,000; Angeles National Forest, California, Act of June 11, 1940 (54 Stat. 299), $20,000; San Bernardino and Cleveland National Forests, California, Act of June 15, 1938 (52 Stat. 699), as amended, $81,000; in all, $161,000: *Provided*, That no part of this appropriation shall be used for acquisition of any land which is not within the boundaries of the national forests and/or for the acquisition of any land without the approval of the local government concerned.

ACQUISITION OF LANDS TO COMPLETE LAND EXCHANGES

For acquisition of lands in accordance with the Act of December 4, 1967 (16 U.S.C. 484a), to remain available until expended, $35,000, to be derived from deposits by public school authorities under said Act.

COOPERATIVE RANGE IMPROVEMENTS

For artificial revegetation, construction, and maintenance of range improvements, control of rodents, and eradication of poisonous and noxious plants on national forests in accordance with section 12 of the Act of April 24, 1950 (16 U.S.C. 580h), to be derived from grazing fees as authorized by said section, $700,000, to remain available until expended.

ASSISTANCE TO STATES FOR TREE PLANTING

For expenses necessary to carry out section 401 of the Agricultural Act of 1956, approved May 28, 1956 (16 U.S.C. 568e), $1,359,000, to remain available until expended.

For "Assistance to States for tree planting" for the period July 1, 1976, through September 30, 1976, $829,000, to remain available until expended.

CONSTRUCTION AND OPERATION OF RECREATION FACILITIES

For construction, operation, and maintenance of outdoor recreation facilities, including collection of special recreation use fees, to remain available until expended, $3,674,000, to be derived from the special receipt accounts established by section 1(b) of the Act of July 15, 1968 (82 Stat. 354), and section 4(e) of the Act of July 11, 1972 (86 Stat. 461): *Provided*, That not more than 40 per centum of the amount credited pursuant to section 4(e) of the Act of July 11, 1972, shall be available for the enhancement of the fee collection system established by section 4 of such Act, including the promotion and enforcement thereof.

16 USC 460*l*-5 note.
16 USC 460*l*-6a.

For "Construction and operation of recreation facilities" for the period July 1, 1976, through September 30, 1976, $2,212,000, to remain available until expended.

ADMINISTRATIVE PROVISIONS, FOREST SERVICE

Appropriations to the Forest Service for the current fiscal year and for the period July 1, 1976, through September 30, 1976, shall be available for: (a) purchase of not to exceed two hundred eighty-one passenger motor vehicles of which two hundred twenty-five shall be for replacement only, and hire of such vehicles; operation and maintenance of aircraft and the purchase of not to exceed four for replacement only; (b) employment pursuant to the second sentence of section 706(a) of the Organic Act of 1944 (7 U.S.C. 2225), and not to exceed $100,000 for fiscal year 1976, and $100,000 for the period July 1, 1976, through September 30, 1976, for employment under 5 U.S.C. 3109; (c) uniforms, or allowances therefor, as authorized by law (5 U.S.C. 5901–5902); (d) purchase, erection, and alteration of buildings and other public improvements (7 U.S.C. 2250); (e) expenses of the National Forest Reservation Commission as authorized by section 14 of the Act of March 1, 1911 (16 U.S.C. 514); (f) acquisition of land and interests therein for sites for administrative and not to exceed $75,000 for fiscal year 1976, and $75,000 for the period July 1, 1976, through September 30, 1976, for research purposes, pursuant to the Act of August 3, 1956 (7 U.S.C. 428a); (g) expenses incident to acquisition by donation or exchange of land, waters, or interests in land or waters, pursuant to the Act of August 3, 1956 (7 U.S.C. 428a): *Provided*, That such appropriation shall not be available for expenses incident to donations and exchanges which can be made pursuant to authorities other than the Act of August 3, 1956 (7 U.S.C. 428a); and (h) not to exceed $100,000 for fiscal year 1976, and $100,000 for the period July 1, 1976, through September 30, 1976, for expenses pursuant to the Volunteers in the National Forest Act of 1972 (16 U.S.C. 558a, 558d, 558a note).

Funds appropriated under this Act shall not be used for acquisition of forest lands under the provisions of the Act approved March 1,

1911, as amended (16 U.S.C. 513–519, 521), where such land is not within the boundaries of an established national forest or purchase unit.

Congressional committees, consent.

None of the funds made available under this Act shall be obligated or expended to change the boundaries of any region, to abolish any region, to move or close any regional office for research, State and private forestry, and National Forest System administration of the Forest Service, Department of Agriculture, without the consent of the House and Senate Committees on Appropriations and the Committee on Agriculture and Forestry in the U.S. Senate and the Committee on Agriculture in the U.S. House of Representatives.

The period July 1, 1976, through September 30, 1976, inclusive, shall be treated as a fiscal year for the purpose of computing and making payments provided under provisions of the Acts of May 23, 1908, as amended, March 1, 1911, as amended (16 U.S.C. 500); March 4, 1913, as amended (16 U.S.C. 501); June 20, 1910 (36 Stat. 562, 573); and June 22, 1948, as amended (16 U.S.C. 577c–577h), except the percent used shall be one-quarter of the three-fourths of 1 percent specified in this Act and the period July 1 through September 30, 1976, shall not be counted as a year in computing the ten-year interval between determination of the fair appraised value of the National Forest lands involved.

Energy Research and Development Administration

operating expenses, fossil fuels

42 USC 5801 note.

For necessary operating expenses of the Administration in carrying out the purposes of the Energy Reorganization Act of 1974; hire, maintenance, and operation of aircraft; publication and dissemination of atomic and other energy information; purchase, repair, and cleaning of uniforms; reimbursement of the General Services Administration for security guard services; hire of passenger motor vehicles; $426,994,000 and any moneys (except sums received from the Strategic and Critical Materials Stockpiling Act, as amended, and fees received for tests or investigations under the Act of May 16, 1910, as amended (50 U.S.C. 98h; 30 U.S.C. 7)) received by the Energy Research and Development Administration notwithstanding the provisions of section 3617 of the Revised Statutes (31 U.S.C. 484), to remain available until expended: *Provided*, That from this appropriation transfers of sums may be made to other agencies of the Government for the performance of the work for which this appropriation is made: *Provided further*, That the amount appropriated in any other appropriation act for "Operating expenses" for the Energy Research and Development Administration for the fiscal year ending June 30, 1976, shall be merged, without limitation, with this appropriation: *Provided further*, That no part of the sum herein appropriated shall be used for the field testing of nuclear explosives in the recovery of oil and gas.

For "Operating expenses, fossil fuels" for the period July 1, 1976, through September 30, 1976, $108,956,000, to remain available until expended: *Provided*, That the amount appropriated in any other appropriation act for "Operating expenses" for the Energy Research and Development Administration for the period July 1, 1976, through September 30, 1976, shall be merged, without limitation, with this appropriation.

PLANT AND CAPITAL EQUIPMENT, FOSSIL FUELS

For expenses of the Administration, as authorized by law, in connection with the purchase and construction of plant and the acquisition of capital equipment and other expenses incidental thereto necessary in carrying out the purposes of the Energy Reorganization Act of 1974, including the acquisition or condemnation of any real property or any facility or for plant or facility acquisition, construction, or expansion; $21,025,000, to remain available until expended: *Provided*, That the amount appropriated in any other appropriation act for "Plant and capital equipment" for the Energy Research and Development Administration for the fiscal year ending June 30, 1976, shall be merged, without limitation, with this appropriation. 42 USC 5801 note.

For "Plant and capital equipment, fossil fuels" for the period July 1, 1976, through September 30, 1976, $8,240,000, to reman available until expended: *Provided*, That the amount appropriated in any other appropriation act for "Plant and capital equipment" for the Energy Research and Development Administration for the period July 1, 1976, through September 30, 1976, shall be merged, without limitation, with this appropriation.

SPECIAL FOREIGN CURRENCY PROGRAM

For payments in foreign currencies which the Treasury Department shall determine to be excess to the normal requirements of the United States, for necessary expenses of the Energy Research and Development Administration, as authorized by law, $6,650,000, to remain available until expended: *Provided*, That this appropriation shall be available, in addition to other appropriations, to such office for payment in the foregoing currencies.

FEDERAL ENERGY ADMINISTRATION

SALARIES AND EXPENSES

For necessary expenses of the Federal Energy Administration established by Public Law 93-275, dated May 7, 1974, including hire of passenger motor vehicles, and services as authorized by 5 U.S.C. 3109, but at rates for individuals not to exceed the per diem equivalent of the rate for grade GS-18; and not to exceed $2,000 for official reception and representation expenses; $142,992,000, of which $5,000,000, to remain available until expended, shall be available for reimbursement of State and local public agencies as authorized by Public Law 93-275, section 7(d): *Provided*, That advances or repayments or transfers from the appropriation may be made to any department or agency for expenses of carrying out such activities: *Provided further*, That no part of this appropriation shall be available for utility rate restructuring studies unless such studies provide for direct consumer representation in the planning and implementation of such studies. 15 USC 761. 5 USC 5332 note. 15 USC 766.

For "Salaries and expenses" for the period July 1, 1976, through September 30, 1976, including hire of passenger motor vehicles, and services as authorized by 5 U.S.C. 3109, but at rates for individuals not to exceed the per diem equivalent of the rate for grade GS-18: $25,283,000.

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

HEALTH SERVICES ADMINISTRATION

INDIAN HEALTH SERVICES

42 USC 2001.
42 USC 241, 219.

For expenses, not otherwise provided for, necessary to carry out the Act of August 5, 1954 (68 Stat. 674), and titles III and V of the Public Health Service Act, including hire of passenger motor vehicles and aircraft; purchase of reprints; payments for telephone service in private residences in the field, when authorized under regulations approved by the Secretary, $274,835,000.

For "Indian health services" for the period July 1, 1976, through September 30, 1976, $73,780,000: *Provided*, That funds contained herein may be used for hire of passenger motor vehicles and aircraft, purchase of reprints, and payment for telephone service in private residences in the field, when authorized under regulations approved by the Secretary.

INDIAN HEALTH FACILITIES

For construction, major repair, improvement, and equipment of health and related auxiliary facilities, including quarters for personnel; preparation of plans, specifications, and drawings; acquisition of sites; purchase and erection of portable buildings; purchase of trailers; and provision of domestic and community sanitation facilities for Indians, as authorized by section 7 of the Act of August 5, 1954 (42 U.S.C. 2004a), $55,366,000, to remain available until expended.

For "Indian health facilities" for the period July 1, 1976, through September 30, 1976, $11,084,000, for acquisition of sites and portable structures, construction (including quarters for personnel) and equipment of facilities, to remain available until expended.

ADMINISTRATIVE PROVISIONS, HEALTH SERVICES ADMINISTRATION

SEC. 1001. Appropriations contained in this Act, available for salaries and expenses, shall be available for services as authorized by 5 U.S.C. 3109 but at rates not to exceed the per diem equivalent to the rate for GS-18.

5 USC 5332 note.

SEC. 1002. Appropriations contained in this Act, available for salaries and expenses, shall be available for uniforms or allowances therefor as authorized by law (5 U.S.C. 5901-5902).

SEC. 1003. Appropriations contained in this Act, available for salaries and expenses, shall be available for expenses of attendance at meetings which are concerned with the functions or activities for which the appropriation is made or which will contribute to improved conduct, supervision, or management of those functions or activities.

OFFICE OF EDUCATION

INDIAN EDUCATION

20 USC 241aa note.
20 USC 1221.

For carrying out, to the extent not otherwise provided, part A ($35,000,000), part B ($16,000,000), and part C ($4,000,000) of the Indian Education Act, and the General Education Provisions Act, $57,055,000.

For "Indian education" for the period July 1, 1976, through September 30, 1976, $516,000.

INDIAN CLAIMS COMMISSION

SALARIES AND EXPENSES

For expenses necessary to carry out the purposes of the Act of August 13, 1946 (25 U.S.C. 70), as amended (86 Stat. 115), creating an Indian Claims Commission, $1,411,000, of which not to exceed $14,000 shall be available for expenses of travel.

For "Salaries and expenses" for the period July 1, 1976, through September 30, 1976, $352,000.

NAVAJO AND HOPI RELOCATION COMMISSION

For necessary expenses of the Navajo and Hopi Relocation Commission as authorized by law (Public Law 93-531, section 25(a)(1), 25(a)(4), and 25(a)(5)), $12,700,000, to remain available until expended: *Provided*, That $1,800,000 shall be available for payments pursuant to section 14(b) of Public Law 93-531: *Provided further*, That $10,500,000 shall be available for payments pursuant to section 15 of Public Law 93-531: *Provided further*, That $400,000 shall be available for the operating expenses of the Commission. 25 USC 640d-24, 25 USC 640d-13, 25 USC 640d-14.

For operating expenses of the Navajo and Hopi Relocation Commission for the period July 1, 1976, through September 30, 1976, $100,000, to remain available until expended.

SMITHSONIAN INSTITUTION

SALARIES AND EXPENSES

For necessary expenses of the Smithsonian Institution, including research in the fields of art, science, and history; development, preservation, and documentation of the National Collections; presentation of public exhibits and performances; collection, preparation, dissemination, and exchange of information and publications; conduct of education, training, and museum assistance programs; maintenance, alteration, operation, and protection of buildings, facilities, and approaches; not to exceed $100,000 for services as authorized by 5 U.S.C. 3109; purchase or rental of two passenger motor vehicles; purchase, rental, repair, and cleaning of uniforms for employees; $77,832,000: *Provided*, That funds appropriated herein are available for advance payments to independent contractors performing research services or participating in official Smithsonian presentations.

For "Salaries and expenses" for the period July 1, 1976, through September 30, 1976, $21,740,000.

SCIENCE INFORMATION EXCHANGE

For necessary expenses of the Science Information Exchange, $1,875,000.

For "Science information exchange" for the period July 1, 1976, through September 30, 1976, $500,000.

MUSEUM PROGRAMS AND RELATED RESEARCH (SPECIAL FOREIGN CURRENCY PROGRAM)

For payments in foreign currencies which the Treasury Department shall determine to be excess to the normal requirements of the United States, for necessary expenses for carrying out museum programs,

scientific and cultural research, and related educational activities, as authorized by law, $500,000, to remain available until expended and to be available only to United States institutions: *Provided*, That this appropriation shall be available, in addition to other appropriations to the Smithsonian Institution, for payments in the foregoing currencies.

CONSTRUCTION AND IMPROVEMENTS, NATIONAL ZOOLOGICAL PARK

For necessary expenses of planning, construction, remodeling, and equipping of buildings and facilities at the National Zoological Park, by contract or otherwise, $8,390,000, to remain available until expended.

For "Construction and improvements, National Zoological Park" for the period July 1, 1976, through September 30, 1976, $1,440,000.

RESTORATION AND RENOVATION OF BUILDINGS

For necessary expenses of restoration and renovation of buildings owned or occupied by the Smithsonian Institution, by contract or otherwise, as authorized by section 2 of the Act of August 22, 1949 (63 Stat. 623), including not to exceed $10,000 for services as authorized by 5 U.S.C. 3109, $1,192,000, to remain available until expended.

20 USC 53a.

For "Restoration and renovation of buildings" for the period July 1, 1976, through September 30, 1976, $400,000.

CONSTRUCTION (APPROPRIATION TO LIQUIDATE CONTRACT AUTHORITY)

For construction and equipment of a building for a National Air and Space Museum, including not to exceed $100,000 for services as authorized by 5 U.S.C. 3109, $2,500,000, to remain available until expended, for liquidation of obligations incurred under the contract authorization granted in the Department of the Interior and Related Agencies Appropriation Act, 1973.

86 Stat. 508.

SALARIES AND EXPENSES, NATIONAL GALLERY OF ART

For the upkeep and operations of the National Gallery of Art, the protection and care of the works of art therein, and administrative expenses incident thereto, as authorized by the Act of March 24, 1937 (50 Stat. 51), as amended by the public resolution of April 13, 1939 (Public Resolution 9, Seventy-sixth Congress), including services as authorized by 5 U.S.C. 3109; payment in advance when authorized by the treasurer of the Gallery for membership in library, museum, and art associations or societies whose publications or services are available to members only, or to members at a price lower than to the general public; purchase, repair, and cleaning of uniforms for guards and elevator operators, and uniforms, or allowances thereof, for other employees as authorized by law (5 U.S.C. 5901–5902); purchase, or rental of devices and services for protecting buildings and contents thereof, and maintenance, alteration, improvement, and repair of buildings, approaches, and grounds; and not to exceed $70,000 for restoration and repair of works of art for the National Gallery of Art by contracts made, without advertising, with individuals, firms, or organizations at such rates or prices and under such terms and conditions as the Gallery may deem proper, $7,531,000.

20 USC 74.

For "Salaries and expenses, National Gallery of Art" for the period July 1, 1976, through September 30, 1976, $1,937,000.

SALARIES AND EXPENSES, WOODROW WILSON INTERNATIONAL CENTER FOR SCHOLARS

For expenses necessary in carrying out the provisions of the Woodrow Wilson Memorial Act of 1968 (82 Stat. 1356), including hire of passenger vehicles and services as authorized by 5 U.S.C. 3109, $962,000. 20 USC 80e note.

For "Salaries and expenses, Woodrow Wilson International Center for Scholars" for the period July 1, 1976, through September 30, 1976, $238,000.

NATIONAL FOUNDATION ON THE ARTS AND THE HUMANITIES

SALARIES AND EXPENSES

For necessary expenses to carry out the National Foundation on the Arts and the Humanities Act of 1965, as amended, $157,410,000, of which $74,500,000 shall be available until expended to the National Endowment for the Arts for the support of projects and productions in the arts through assistance to groups and individuals pursuant to section 5(c) of the Act, of which not less than 20 percent shall be available until expended to the National Endowment for the Arts for assistance pursuant to section 5(g) of the Act; $72,000,000 shall be available until expended to the National Endowment for the Humanities for support of activities in the humanities pursuant to section 7(c) of the Act; and $10,910,000 shall be available for administering the provisions of the Act: *Provided*, That not to exceed 3 per centum of the funds appropriated to the National Endowment for the Arts for the purposes of sections 5(c) and 5(g) and not to exceed 3 per centum of the funds appropriated to the National Endowment for the Humanities for the purposes of section 7(c) shall be available for program development and evaluation. 20 USC 951 note. 20 USC 954. 20 USC 956.

For "Salaries and expenses" for the period July 1, 1976, through September 30, 1976; for the purpose of carrying out section 5(c) $33,437,000; 7(c) $20,750,000; Administration $2,727,000.

MATCHING GRANTS

To carry out the provisions of section 10(a)(2) of the National Foundation on the Arts and the Humanities Act of 1965, as amended, $15,000,000, to remain available until expended: *Provided*, That this appropriation shall be available for obligation only in such amounts as may be equal to the total amounts of gifts, bequests, and devises of money, and other property accepted by the Chairman of each Endowment under the provisions of section 10(a)(2) during the current and preceding fiscal years, for which equal amounts have not previously been appropriated. 20 USC 959.

For "Matching grants" for the period July 1, 1976, through September 30, 1976, for the purpose of carrying out section 10(a)(2), $1,000,000.

COMMISSION OF FINE ARTS

SALARIES AND EXPENSES

For expenses made necessary by the Act establishing a Commission of Fine Arts (40 U.S.C. 104), $198,000.

For "Salaries and expenses" for the period July 1, 1976, through September 30, 1976, $45,000.

NATIONAL CAPITAL PLANNING COMMISSION

SALARIES AND EXPENSES

For necessary expenses, as authorized by the National Capital Planning Act of 1952 (40 U.S.C. 71–71i), including services as authorized by 5 U.S.C. 3109; and uniforms or allowances therefor, as authorized by law (5 U.S.C. 5901–5902), $1,871,000.

For "Salaries and expenses" for the period July 1, 1976, through September 30, 1976, $419,000.

AMERICAN REVOLUTION BICENTENNIAL ADMINISTRATION

SALARIES AND EXPENSES

For expenses to carry out the provisions of the Act of December 11, 1973 (Public Law 93–179), $9,462,000, of which not to exceed $1,375,000 shall be for grants-in-aid as authorized by section 9(a)(1) of the Act.

87 Stat. 697.

For "Salaries and expenses" for the period July 1, 1976, through September 30, 1976, $1,743,000.

FRANKLIN DELANO ROOSEVELT MEMORIAL COMMISSION

SALARIES AND EXPENSES

For necessary expenses of the Franklin Delano Roosevelt Memorial Commission, established by the Act of August 11, 1955 (69 Stat. 694), as amended by Public Law 92–332 (86 Stat. 401), for the period July 1, 1976, through September 30, 1976, $6,000, to remain available until expended.

LOWELL HISTORIC CANAL DISTRICT COMMISSION

SALARIES AND EXPENSES

For necessary expenses of the Lowell Historic Canal District Commission, authorized by Public Law 93–645, $120,000.

16 USC 461 note.

For "Salaries and expenses" for the period July 1, 1976, through September 30, 1976, $30,000.

JOINT FEDERAL-STATE LAND USE PLANNING COMMISSION FOR ALASKA

SALARIES AND EXPENSES

For necessary expenses of the Joint Federal-State Land Use Planning Commission for Alaska, established by the Act of December 18, 1971 (Public Law 92–203), $764,000: *Provided*, That this appropriation shall not be available to pay more than one-half of the expenses of the Commission.

43 USC 1601 note.

For "Salaries and expenses" for the period July 1, 1976, through September 30, 1976, $120,000.

PENNSYLVANIA AVENUE DEVELOPMENT CORPORATION

SALARIES AND EXPENSES

For necessary expenses, as authorized by section 17 of Public Law 92–578 as amended, $824,000.

40 USC 885.

For "Salaries and expenses" for the period July 1, 1976, through September 30, 1976, $218,000.

TITLE III—GENERAL PROVISIONS

Unprocessed timber, sale restrictions.

SEC. 301. No part of any appropriation under this Act shall be available to the Secretaries of the Interior and Agriculture for use for any sale hereafter made of unprocessed timber from Federal lands west of the 100th meridian in the contiguous 48 States which will be exported from the United States, or which will be used as a substitute for timber from private lands which is exported by the purchaser: *Provided*, That this limitation shall not apply to specific quantities of grades and species of timber which said Secretaries determine are surplus to domestic lumber and plywood manufacturing needs.

Standard level user charge, limitation.

SEC. 302. No part of any appropriation contained in this Act shall be available for paying to the Administrator of the General Services Administration in excess of 90 per centum of the standard level user charge established pursuant to section 210(j) of the Federal Property and Administrative Services Act of 1949, as amended, for space and services.

40 USC 490.

Leasing of mineral rights, restrictions.

SEC. 303. No part of any appropriation under this Act shall be available to the Secretary of Interior or the Secretary of Agriculture for the leasing of oil, natural gas, or other mineral rights by non-competitive bidding on publicly owned lands within the boundaries of the Shawnee National Forest, Illinois: *Provided*, That nothing herein is intended to inhibit or otherwise affect the sale, lease or right of access to minerals owned by private individuals.

Fiscal year limitation.

SEC. 304. No part of any appropriation contained in this Act shall remain available for obligation beyond the current fiscal year unless expressly so provided herein, except as provided in section 204 of the Supplemental Appropriation Act, 1975 (Public Law 93-554).

88 Stat. 1783.

Short title.

This Act may be cited as the "Department of the Interior and Related Agencies Appropriation Act, 1976, and the period ending September 30, 1976.

Approved December 23, 1975.

LEGISLATIVE HISTORY:

HOUSE REPORTS: No. 94-374 (Comm. on Appropriations) and No. 94-701 (Comm. of Conference).

SENATE REPORT No. 94-462 (Comm. on Appropriations).

CONGRESSIONAL RECORD, Vol. 121 (1975):

July 23, considered and passed House.

Nov. 20, considered and passed Senate, amended.

Dec. 11, House agreed to conference report; concurred in Senate amendments with amendments; Senate agreed to conference report; concurred in House amendments.

Public Law 94–166
94th Congress

An Act

Dec. 23, 1975
[H.R. 6642]

To provide for allotment or assignment of payments from civil service annuities, and for other purposes.

Civil Service Retirement annuities. Allotments or assignments.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 8345 of title 5, United States Code, is amended by adding at the end thereof the following new subsection:

"(g) An individual entitled to an annuity from the Fund may make allotments or assignments of amounts from his annuity for such purposes as the Civil Service Commission in its sole discretion considers appropriate.".

SEC. 2. Section 8346(a) of title 5, United States Code, is amended to read as follows:

"(a) The money mentioned by this subchapter is not assignable, either in law or equity, except under the provisions of section 8345(g) of this title, or subject to execution, levy, attachment, garnishment, or other legal process, except as otherwise may be provided by Federal laws.".

Supra.

Approved December 23, 1975.

LEGISLATIVE HISTORY:

HOUSE REPORT No. 94–446 (Comm. on Post Office and Civil Service).
SENATE REPORT No. 94–537 (Comm. on Post Office and Civil Service).
CONGRESSIONAL RECORD, Vol. 121 (1975):
Oct. 6, considered and passed House.
Dec. 15, considered and passed Senate.

Public Law 94-167
94th Congress

An Act

To direct the National Commission on the Observance of International Women's Year, 1975, to organize and convene a National Women's Conference, and for other purposes.

Dec. 23, 1975
[H.R. 9924]

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

International Women's Year, national conference.

FINDINGS

SECTION 1. The Congress hereby finds that—

(1) International Women's Year, and its World Plan of Action, have focused attention on the problems of women throughout the world, and have pointed to the need for an evaluation of the discrimination which American women face because of their sex;

(2) the Bicentennial year of 1976 is a particularly appropriate time for the United States to recognize the contributions of women to the development of our country, to assess the progress that has been made toward insuring equality for all women, to set goals for the elimination of all barriers to the full and equal participation of women in all aspects of American life, and to recognize the importance of the contribution of women to the development of friendly relations and cooperation among nations and to the strengthening of world peace; and

(3) a national conference of American women, preceded by State conferences, is the most suitable mechanism by which such an evaluation of the status of women and issues of concern to them can be effected.

DUTIES OF COMMISSION

SEC. 2. (a) The National Commission on the Observance of International Women's Year, 1975, established by Executive Order 11832 on January 9, 1975 (hereinafter in this Act referred to as the "Commission"), is hereby continued. The Commission shall organize and convene a national conference to be known as the National Women's Conference (hereinafter in this Act referred to as the "Conference"). The Conference and State or regional meetings conducted in preparation for the Conference shall be held in such places and at such times in 1976 as the Commission deems appropriate.

3 CFR 1971-1975 Comp., p. 937.

National Women's Conference.

(b) The Commission shall consult with such National, State, and other organizations concerned with women's rights and related matters as the Commission considers necessary to carry out the purpose of this Act.

COMPOSITION AND GOALS OF THE CONFERENCE

SEC. 3. (a) The Conference shall be composed of—

(1) representatives of local, State, regional, and national institutions, agencies, organizations, unions, associations, publications, and other groups which work to advance the rights of women; and

(2) members of the general public, with special emphasis on the representation of low-income women, members of diverse racial, ethnic, and religious groups, and women of all ages.

(b) The Conference shall—

(1) recognize the contributions of women to the development of our country;

(2) assess the progress that has been made to date by both the private and public sectors in promoting equality between men and women in all aspects of life in the United States;

(3) assess the role of women in economic, social, cultural, and political development;

(4) assess the participation of women in efforts aimed at the development of friendly relations and cooperation among nations and to the strengthening of world peace;

(5) identify the barriers that prevent women from participating fully and equally in all aspects of national life, and develop recommendations for means by which such carriers can be removed;

(6) establish a timetable for the achievement of the objectives set forth in such recommendations; and

Conference committee.

(7) establish a committee of the Conference which will take steps to provide for the convening of a second National Women's Conference. The second Conference will assess the progress made in achieving the objectives set forth in paragraphs (5) and (6) of this subsection, and will evaluate the steps taken to improve the status of American women.

Public meetings.

(c) All meetings of the Conference and of State or regional meetings held in preparation for the Conference shall be open to the public.

POWERS OF COMMISSION

SEC. 4. The Commission shall—

(1) designate a coordinating committee in each State which shall organize and conduct a State or regional meeting in preparation for the Conference;

(2) prepare and make available background materials relating to women's rights and related matters for the use of representatives to the State and regional meetings, and to the Conference;

(3) establish procedures to provide financial assistance for representatives to the Conference who are unable to pay their own expenses;

Regulations.

(4) establish such regulations as are necessary to carry out the provisions of this Act;

(5) designate such additional representatives to the Conference as may be necessary and appropriate to fulfill the goals set forth in section 3(b) of this Act;

(6) grant technical and financial assistance by grant, contract, or otherwise to facilitate the organization and conduct of State and regional meetings in preparation for the Conference;

Advisory and technical committees.

(7) establish such advisory and technical committees as the Commission considers necessary to assist and advise the Conference; and

(8) publish and distribute the report required under this Act.

ADMINISTRATION OF COMMISSION

SEC. 5. (a) The Commission may appoint such staff personnel as it considers necessary to carry out its duties under this Act. Such person-

nel shall be appointed without regard to the provisions of title 5, United States Code, governing appointments in the competitive service, except that no individual so appointed may receive pay in excess of the annual rate of basic pay in effect for grade GS-18 of the General Schedule. Appointments shall be made without regard to political affiliation. 5 USC 5332 note.

(b) The Commission may accept, use, and dispose of contributions of money, services, or property.

(c) The Commission may use the United States mails under the same conditions as other departments and agencies of the United States.

(d) The powers granted the Commission by this section shall be in addition to those granted by Executive Order 11832. The powers granted the Commission by Executive Order 11832 may be employed to fulfill the responsibilities of the Commission under this Act. 40 FR 2415.

(e) The Commission, to such extent as it deems necessary, may procure supplies, services, and personal property; make contracts; expend funds appropriated, donated, or received in pursuance of contracts hereunder in furtherance of the purposes of this Act; and exercise those powers that are necessary to enable it to carry out efficiently and in the public interest the purposes of this Act.

(f) The powers granted the Commission under this Act may be delegated to any member or employee of the Commission by the Commission.

STATE AND REGIONAL MEETINGS

SEC. 6. (a) A meeting in preparation for the Conference shall be held in each State in accordance with regulations promulgated by the Commission, except that in the event the amount of time and resources available so requires, the Commission may combine two or more such State meetings into a regional meeting.

(b) Any State or regional meeting which receives financial assistance under this Act shall be designed and structured in accordance with the goals of the Conference set forth in section 3(b) of this Act.

(c)(1) Each State or regional meeting shall select representatives to the Conference in accordance with regulations promulgated by the Commission and consistent with the criteria set forth in section 3(a) of this Act.

(2) The total number of representatives selected under this subsection shall be apportioned among the States according to population, except that despite such apportionment no State shall have fewer than ten representatives. Representatives, apportionment.

REPORT

SEC. 7. The Commission shall submit a report to the President and to each House of the Congress not later than one hundred and twenty days after the conclusion of the Conference, and shall make such report available to the general public. Such report shall contain a detailed statement of the findings and recommendations of the Conference with respect to the matters described in subsection (b) of section 3. The President shall, not later than one hundred and twenty days after the receipt of the report, submit to each House of the Congress recommendations with respect to matters considered in such report. Presidential recommendations.

TERMINATION OF COMMISSION

SEC. 8. The Commission shall continue in operation until thirty days after submitting its report pursuant to section 7, at which time it shall

terminate, but the life of the Commission shall in no case extend beyond March 31, 1978.

AUTHORIZATION OF APPROPRIATION

SEC. 9. There are authorized to be appropriated without fiscal year limitation, such sums, but not to exceed $5,000,000, as may be necessary to carry out the provisions of this Act. Such sums shall remain available for obligation until expended.

No funds authorized hereunder may be used for lobbying activities.

DEFINITION

SEC. 10. For the purpose of this Act, the term "State" includes the District of Columbia, the Commonwealth of Puerto Rico, Guam, American Samoa, the Virginia Islands, and the Trust Territory of the Pacific Islands.

Approved December 23, 1975.

LEGISLATIVE HISTORY:

HOUSE REPORT No. 94-562 (Comm. on Government Operations).
CONGRESSIONAL RECORD, Vol. 121 (1975):
Dec. 10, considered and passed House.
Dec. 11, considered and passed Senate.

Public Law 94-168
94th Congress

An Act

To declare a national policy of coordinating the increasing use of the metric system in the United States, and to establish a United States Metric Board to coordinate the voluntary conversion to the metric system.

Dec. 23, 1975
[H.R. 8674]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Metric Conversion Act of 1975".

Metric Conversion Act of 1975.
15 USC 205a note.

SEC. 2. The Congress finds as follows:

(1) The United States was an original signatory party to the 1875 Treaty of the Meter (20 Stat. 709), which established the General Conference of Weights and Measures, the International Committee of Weights and Measures and the International Bureau of Weights and Measures.

15 USC 205a.

(2) Although the use of metric measurement standards in the United States has been authorized by law since 1866 (Act of July 28, 1866; 14 Stat. 339), this Nation today is the only industrially developed nation which has not established a national policy of committing itself and taking steps to facilitate conversion to the metric system.

15 USC 205b.

SEC. 3. It is therefore declared that the policy of the United States shall be to coordinate and plan the increasing use of the metric system in the United States and to establish a United States Metric Board to coordinate the voluntary conversion to the metric system.

Definitions.
15 USC 205c.

SEC. 4. As used in this Act, the term—

(1) "Board" means the United States Metric Board, established under section 5 of this Act;

(2) "engineering standard" means a standard which prescribes (A) a concise set of conditions and requirements that must be satisfied by a material, product, process, procedure, convention, or test method; and (B) the physical, functional, performance and/or conformance characteristics thereof;

(3) "international standard or recommendation" means an engineering standard or recommendation which is (A) formulated and promulgated by an international organization and (B) recommended for adoption by individual nations as a national standard; and

(4) "metric system of measurement" means the International System of Units as established by the General Conference of Weights and Measures in 1960 and as interpreted or modified for the United States by the Secretary of Commerce.

United States Metric Board.
Establishment.
15 USC 205d.

SEC. 5. (a) There is established, in accordance with this section, an independent instrumentality to be known as a United States Metric Board.

Membership.

(b) The Board shall consist of 17 individuals, as follows:

(1) the Chairman, a qualified individual who shall be appointed by the President, by and with the advice and consent of the Senate;

(2) sixteen members who shall be appointed by the President, by and with the advice and consent of the Senate, on the following basis—

(A) one to be selected from lists of qualified individuals recommended by engineers and organizations representative of engineering interests;

(B) one to be selected from lists of qualified individuals recommended by scientists, the scientific and technical community, and organizations representative of scientists and technicians;

(C) one to be selected from a list of qualified individuals recommended by the National Association of Manufacturers or its successor;

(D) one to be selected from lists of qualified individuals recommended by the United States Chamber of Commerce, or its successor, retailers, and other commercial organizations;

(E) two to be selected from lists of qualified individuals recommended by the American Federation of Labor and Congress of Industrial organizations or its successor, who are representative of workers directly affected by metric conversion, and by other organizations representing labor;

(F) one to be selected from a list of qualified individuals recommended by the National Governors Conference, the National Council of State Legislatures, and organizations representative of State and local government;

(G) two to be selected from lists of qualified individuals recommended by organizations representative of small business;

(H) one to be selected from lists of qualified individuals representative of the construction industry;

(I) one to be selected from a list of qualified individuals recommended by the National Conference on Weights and Measures and standards making organizations;

(J) one to be selected from lists of qualified individuals recommended by educators, the educational community, and organizations representative of educational interests; and

(K) four at-large members to represent consumers and other interests deemed suitable by the President and who shall be qualified individuals.

Term.

As used in this subsection, each "list" shall include the names of at least three individuals for each applicable vacancy. The terms of office of the members of the Board first taking office shall expire as designated by the President at the time of nomination; five at the end of the 2d year; five at the end of the 4th year; and six at the end of the 6th year. The term of office of the Chairman of such Board shall be 6 years. Members, including the Chairman, may be appointed to an additional term of 6 years, in the same manner as the original appointment. Successors to members of such Board shall be appointed in the same manner as the original members and shall have terms of office expiring 6 years from the date of expiration of the terms for which their predecessors were appointed. Any individual appointed to fill a vacancy occurring prior to the expiration of any term of office shall be appointed for the remainder of that term. Beginning 45 days after the date of incorporation of the Board, six members of such Board shall constitute a quorum for the transaction of any function of the Board.

Vacancies.

Quorum.

(c) Unless otherwise provided by the Congress, the Board shall have no compulsory powers.

Termination.

(d) The Board shall cease to exist when the Congress, by law, determines that its mission has been accomplished.

Policy implementation. 15 USC 205e.

SEC. 6. It shall be the function of the Board to devise and carry out a broad program of planning, coordination, and public education, con-

sistent with other national policy and interests, with the aim of implementing the policy set forth in this Act. In carrying out this program, the Board shall—

(1) consult with and take into account the interests, views, and conversion costs of United States commerce and industry, including small business; science; engineering; labor; education; consumers; government agencies at the Federal, State, and local level; nationally recognized standards developing and coordinating organizations; metric conversion planning and coordinating groups; and such other individuals or groups as are considered appropriate by the Board to the carrying out of the purposes of this Act. The Board shall take into account activities underway in the private and public sectors, so as not to duplicate unnecessarily such activities;

(2) provide for appropriate procedures whereby various groups, under the auspices of the Board, may formulate, and recommend or suggest, to the Board specific programs for coordinating conversion in each industry and segment thereof and specific dimensions and configurations in the metric system and in other measurements for general use. Such programs, dimensions, and configurations shall be consistent with (A) the needs, interests, and capabilities of manufacturers (large and small), suppliers, labor, consumers, educators, and other interested groups, and (B) the national interest;

Comments and hearings.

(3) publicize, in an appropriate manner, proposed programs and provide an opportunity for interested groups or individuals to submit comments on such programs. At the request of interested parties, the Board, in its discretion, may hold hearings with regard to such programs. Such comments and hearings may be considered by the Board;

(4) encourage activities of standardization organizations to develop or revise, as rapidly as practicable, engineering standards on a metric measurement basis, and to take advantage of opportunities to promote (A) rationalization or simplification of relationships, (B) improvements of design, (C) reduction of size variations, (D) increases in economy, and (E) where feasible, the efficient use of energy and the conservation of natural resources;

(5) encourage the retention, in new metric language standards, of those United States engineering designs, practices, and conventions that are internationally accepted or that embody superior technology;

Consultation and cooperation.

(6) consult and cooperate with foreign governments, and intergovernmental organizations, in collaboration with the Department of State, and, through appropriate member bodies, with private international organizations, which are or become concerned with the encouragement and coordination of increased use of metric measurement units or engineering standards based on such units, or both. Such consultation shall include efforts, where appropriate, to gain international recognition for metric standards proposed by the United States, and, during the United States conversion, to encourage retention of equivalent customary units, usually by way of dual dimensions, in international standards or recommendations;

Public information and education programs.

(7) assist the public through information and education programs, to become familiar with the meaning and applicability of metric terms and measures in daily life. Such programs shall include—

(A) public information programs conducted by the Board, through the use of newspapers, magazines, radio, television, and other media, and through talks before appropriate citizens' groups, and trade and public organizations;

(B) counseling and consultation by the Secretary of Health, Education, and Welfare; the Secretary of Labor; the Administrator of the Small Business Administration; and the Director of the National Science Foundation, with educational associations, State and local educational agencies, labor education committees, apprentice training committees, and other interested groups, in order to assure (i) that the metric system of measurement is included in the curriculum of the Nation's educational institutions, and (ii) that teachers and other appropriate personnel are properly trained to teach the metric system of measurement;

(C) consultation by the Secretary of Commerce with the National Conference of Weights and Measures in order to assure that State and local weights and measures officials are (i) appropriately involved in metric conversion activities and (ii) assisted in their efforts to bring about timely amendments to weights and measures laws; and

(D) such other public information activities, by any Federal agency in support of this Act, as relate to the mission of such agency;

(8) collect, analyze, and publish information about the extent of usage of metric measurements; evaluate the costs and benefits of metric usage; and make efforts to minimize any adverse effects resulting from increasing metric usage;

Surveys. Recommendations to Congress and President.

(9) conduct research, including appropriate surveys; publish the results of such research; and recommend to the Congress and to the President such action as may be appropriate to deal with any unresolved problems, issues, and questions associated with metric conversion, or usage, such problems, issues, and questions may include, but are not limited to, the impact on workers (such as costs of tools and training) and on different occupations and industries, possible increased costs to consumers, the impact on society and the economy, effects on small business, the impact on the international trade position of the United States, the appropriateness of and methods for using procurement by the Federal Government as a means to effect conversion to the metric system, the proper conversion or transition period in particular sectors of society, and consequences for national defense;

Annual report to Congress and President.

(10) submit annually to the Congress and to the President a report on its activities. Each such report shall include a status report on the conversion process as well as projections for the conversion process. Such report may include recommendations covering any legislation or executive action needed to implement the the programs of conversion accepted by the Board. The Board may also submit such other reports and recommendations as it deems necessary; and

Report to Congress and President.

(11) submit to the Congress and to the President, not later than 1 year after the date of enactment of the Act making appropriations for carrying out this Act, a report on the need to provide an effective structural mechanism for converting customary units to metric units in statutes, regulations, and other laws at all levels of government, on a coordinated and timely basis, in response to voluntary conversion programs adopted and implemented by various sectors of society under the auspices and with the approval

of the Board. If the Board determines that such a need exists, such report shall include recommendations as to appropriate and effective means for establishing and implementing such a mechanism.

15 USC 205f.

SEC. 7. In carrying out its duties under this Act, the Board may—

Committees, establishment.

(1) establish an Executive Committee, and such other committees as it deems desirable;

(2) establish such committees and advisory panels as it deems necessary to work with the various sectors of the Nation's economy and with Federal and State governmental agencies in the development and implementation of detailed conversion plans for those sectors. The Board may reimburse, to the extent authorized by law, the members of such committees;

Hearings.

(3) conduct hearings at such times and places as it deems appropriate;

Contracts.

(4) enter into contracts, in accordance with the Federal Property and Administrative Services Act of 1949, as amended (40 U.S.C. 471 et seq.), with Federal or State agencies, private firms, institutions, and individuals for the conduct of research or surveys, the preparation of reports, and other activities necessary to the discharge of its duties;

(5) delegate to the Executive Director such authority as it deems advisable; and

(6) perform such other acts as may be necessary to carry out the duties prescribed by this Act.

Gifts and bequests. 15 USC 205g.

SEC. 8. (a) The Board may accept, hold, administer, and utilize gifts, donations, and bequests of property, both real and personal, and personal services, for the purpose of aiding or facilitating the work of the Board. Gifts and bequests of money, and the proceeds from the sale of any other property received as gifts or bequests, shall be deposited in the Treasury in a separate fund and shall be disbursed upon order of the Board.

(b) For purpose of Federal income, estate, and gift taxation, property accepted under subsection (a) of this section shall be considered as a gift or bequest to or for the use of the United States.

(c) Upon the request of the Board, the Secretary of the Treasury may invest and reinvest, in securities of the United States, any moneys contained in the fund authorized in subsection (a) of this section. Income accruing from such securities, and from any other property accepted to the credit of such fund, shall be disbursed upon the order of the Board.

Unexpended funds.

(d) Funds not expended by the Board as of the date when it ceases to exist, in accordance with section 5(d) of this Act, shall revert to the Treasury of the United States as of such date.

Compensation. 15 USC 205h.

SEC. 9. Members of the Board who are not in the regular full-time employ of the United States shall, while attending meetings or conferences of the Board or while otherwise engaged in the business of the Board, be entitled to receive compensation at a rate not to exceed the daily rate currently being paid grade 18 of the General Schedule (under section 5332 of title 5, United States Code), including travel-time. While so serving, on the business of the Board away from their homes or regular places of business, members of the Board may be allowed travel expenses, including per diem in lieu of subsistence, as authorized by section 5703 of title 5, United States Code, for persons employed intermittently in the Government service. Payments under this section shall not render members of the Board employees or officials of the United States for any purpose. Members of the Board who are in the employ of the United States shall be entitled to travel expenses when traveling on the business of the Board.

5 USC 5332 note. Travel expenses.

Executive Director, appointment. 15 USC 205i.

SEC. 10. (a) The Board shall appoint a qualified individual to serve as the Executive Director of the Board at the pleasure of the Board. The Executive Director, subject to the direction of the Board, shall be responsible to the Board and shall carry out the metric conversion program, pursuant to the provisions of this Act and the policies established by the Board.

(b) The Executive Director of the Board shall serve full time and be subject to the provisions of chapter 51 and subchapter III of chapter 53 of title 5, United States Code. The annual salary of the Executive Director shall not exceed level III of the Executive Schedule under section 5314 of such title.

5 USC 5101 *et seq.*
5 USC 5331.

(c) The Board may appoint and fix the compensation of such staff personnel as may be necessary to carry out the provisions of this Act in accordance with the provisions of chapter 51 and subchapter III of chapter 53 of title 5, United States Code.

Experts and consultants.

(d) The Board may (1) employ experts and consultants or organizations thereof, as authorized by section 3109 of title 5, United States Code; (2) compensate individuals so employed at rates not in excess of the rate currently being paid grade 18 of the General Schedule under section 5332 of such title, including traveltime; and (3) may allow such individuals, while away from their homes or regular places of business, travel expenses (including per diem in lieu of subsistence) as authorized by section 5703 of such title 5 for persons in the Government service employed intermittently: *Provided, however*, That contracts for such temporary employment may be renewed annually.

5 USC 5332 note.

Financial and administrative services. 15 USC 205j.

SEC. 11. Financial and administrative services, including those related to budgeting, accounting, financial reporting, personnel, and procurement, and such other staff services as may be needed by the Board, may be obtained by the Board from the Secretary of Commerce or other appropriate sources in the Federal Government. Payment for such services shall be made by the Board, in advance or by reimbursement, from funds of the Board in such amounts as may be agreed upon by the Chairman of the Board and by the source of the services being rendered.

Appropriation authorization. 15 USC 205k.

SEC. 12. There are authorized to be appropriated such sums as may be necessary to carry out the provisions of this Act. Appropriations to carry out the provisions of this Act may remain available for obligation and expenditure for such period or periods as may be specified in the Acts making such appropriations.

Approved December 23, 1975.

LEGISLATIVE HISTORY:

HOUSE REPORT No. 94-369 (Comm. on Science and Technology).
SENATE REPORT No. 94-500 accompanying S. 100 (Comm. on Commerce).
CONGRESSIONAL RECORD, Vol. 121 (1975):
Sept. 5, considered and passed House.
Dec. 8, considered and passed Senate, amended, in lieu of S. 100.
Dec. 11, House concurred in Senate amendment.
WEEKLY COMPILATION OF PRESIDENTIAL DOCUMENTS, Vol. 11, No. 52:
Dec. 23, Presidential statement.

Public Law 94–169
94th Congress

An Act

To amend title 38 of the United States Code to liberalize the provisions relating to payment of disability and death pension and dependency and indemnity compensation, to increase income limitations, and for other purposes.

Dec. 23, 1975
[H.R. 10355]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Veterans and Survivors Pension Interim Adjustment Act of 1975".

Veterans and Survivors Pension Interim Adjustment Act of 1975.
38 USC 101 note.

TITLE I—INTERIM ADJUSTMENTS IN CURRENT STATUTORY PENSION PROVISIONS

SEC. 101. Effective January 1, 1976, title 38, United States Code, is amended as follows:

Effective date.

(1) chapter 1 of title 38, United States Code, is amended—

38 USC 101 *et seq.*

(A) by striking out in paragraph (3) of section 101 "widow", "woman", "wife", "his", "him", "man", and "herself" each time they appear and inserting in lieu thereof "surviving spouse", "person of the opposite sex", "spouse", "the veteran's", "the veteran", "person", and "himself or herself", respectively;

(B) by striking out in the second sentence of paragraph (4) of section 101 "his support" and "his spouse" and inserting in lieu thereof "the person's support" and "the veteran's spouse", respectively;

(C) by striking out in paragraph (5) of section 101 "his" and inserting in lieu thereof "the veteran's";

(D) by striking out in paragraph (13) of section 101 "widow" and inserting in lieu thereof "surviving spouse";

(E) by striking out in paragraph (14) of section 101 "widow" each time it appears and inserting in lieu thereof "surviving spouse";

(F) by striking out in paragraph (15) of section 101 "widow" and inserting in lieu thereof "surviving spouse"; and

(G) by adding at the end of section 101 the following new paragraph:

"(31) The term 'spouse' means a person of the opposite sex who is a wife or huband and the term 'surviving spouse' means a person of the opposite sex who is a widow or widower."; and

"Spouse."
"Surviving spouse."

(2) chapter 15 of title 38, United States Code, is amended—

38 USC 501 *et seq.*

(A) by inserting in subsection (a) of section 503 "and" after the semicolon at the end of clause (16) of such subsection;

(B) by striking out in subsection (a) of section 541 "widow" and inserting in lieu thereof "surviving spouse" and by striking out "his" preceding the word "death";

38 USC 541.

(C) by striking out in subsection (e) of section 541 the language preceding clause (1) of such subsection and inserting in lieu thereof "No pension shall be paid to a surviving spouse of a veteran under this section unless the spouse was married to the veteran—" and by amending subclause (D) of clause (1) of such subsection, to read as follows: "(D) May 8, 1985, in the case of a surviving spouse of a Vietnam era veteran; or";

(D) by striking out in section 542 "widow" and inserting in lieu thereof "surviving spouse" and by striking out "his" preceding the word "death";

(E) by striking out in section 543 "widow" and inserting in lieu thereof "surviving spouse";

Repeals.

(F) by repealing sections 510 and 531;

(G) by striking out in the heading of subchapter III "**Widows**" and inserting in lieu thereof "**Surviving Spouses**";

(H) by striking out in the catchline of section 541 "**Widows**" and inserting in lieu thereof "**Surviving Spouses**";

(I) by striking out in the subheading of subchapter III immediately following section 543 "WIDOWS" and inserting in lieu thereof "SURVIVING SPOUSES"; and

(J) by amending the table of sections at the beginning of such chapter 15—

(i) by striking out

"510. Confederate forces veterans.";

(ii) by striking out

"SUBCHAPTER III—PENSIONS TO WIDOWS AND CHILDREN"

and inserting in lieu thereof

"SUBCHAPTER III—PENSIONS TO SURVIVING SPOUSES AND CHILDREN";

(iii) by striking out

"531. Widows of Mexican War veterans.";

(iv) by striking out

"541. Widows of Mexican border period, World War I, and World War II, Korean conflict, or Vietnam era veterans."

and inserting in lieu thereof

"541. Surviving spouses of Mexican border period, World War I, World War II, Korean conflict, or Vietnam era veterans."; and

(v) by striking out

"Widows of Veterans of All Periods of War"

and inserting in lieu thereof

"Surviving Spouses of Veterans of All Periods of War".

Effective date.

SEC. 102. Effective for the period beginning January 1, 1976, and ending September 30, 1976, section 521 of title 38, United States Code, is amended—

(1) by amending subsections (b) and (c) to read as follows:

Unmarried veterans.

"(b)(1) If the veteran is unmarried (or married but not living with and not reasonably contributing to the support of such veteran's

spouse) and has no child, pension shall be paid to the veteran according to the following formula:

"The monthly rate of pension shall be $173 reduced by—	For each $1 of annual income	
	Which is more than—	But not more than—
$0.00	0	$300
.03	$300	500
.04	500	700
.05	700	1,200
.06	1,200	1,700
.07	1,700	2,000
.08	2,000	3.300

"(2) In no case may the amount of pension payable to any veteran under this subsection be less than $5 monthly.

"(3) In no case may pension be paid under this subsection to any veteran if the annual income of such veteran exceeds $3,300.

"(c)(1) If the veteran is married and living with or reasonably contributing to the support of such veteran's spouse, or has a child or children, pension shall be paid to the veteran according to the following formula: Married veterans.

"The monthly rate of pension for a veteran shall be— $186 if such veteran has one such dependent; $191 if such veteran has two such dependents; and $196 if such veteran has three or more such dependents; reduced by—	For each $1 of annual income	
	Which is more than—	But not more than—
$0.00	0	$500
.02	$500	700
.03	700	1,300
.04	1,300	2,800
.05	2,800	3,200
.06	3,200	3,800
.08	3,800	4,500

"(2) In no case may the amount of pension payable to any veteran under this subsection be less than $5 monthly.

"(3) In no case may pension be paid under this subsection to any veteran if the annual income of such veteran exceeds $4,500.";

(2) by striking out in subsection (d) "him" and "$123" and inserting in lieu thereof "such veteran" and "$133", respectively; and

(3) by striking out in subsection (e) "his", "him", and "$49" and inserting in lieu thereof "such veteran's", "such veteran", and "$53", respectively.

Effective date.

SEC. 103. Effective for the period beginning January 1, 1976, and ending September 30, 1976, section 541 of title 38, United States Code, is amended—

(1) by amending subsections (b) and (c) to read as follows:

Surviving spouse with no children.

"(b)(1) If there is no child, pension shall be paid to the surviving spouse according to the following formula:

"The monthly rate of pension shall be $117 reduced by—	For each $1 of annual income	
	Which is more than—	But not more than—
$0.00	0	$300
.01	$300	600
.03	600	900
.04	900	1,500
.05	1,500	2,700
.06	2,700	3,300

"(2) In no case may the amount of pension payable to any surviving spouse under this subsection be less than $5 monthly.

"(3) In no case may pension be paid under this subsection to any surviving spouse if the annual income of such surviving spouse exceeds $3,300.

Surviving spouse with one child.

"(c)(1) If there is a surviving spouse and one child, pension shall be paid to the surviving spouse according to the following formula:

"The monthly rate of pension shall be $139 reduced by—	For each $1 of annual income	
	Which is more than—	But not more than—
$0.00	0	$700
.01	$700	1,100
.02	1,100	1,800
.03	1,800	2,700
.04	2,700	3,500
.05	3,500	4,500

"(2) In no case may pension be paid under this subsection to any surviving spouse if the annual income of such surviving spouse exceeds $4,500.

"(3) Whenever the monthly rate payable to any surviving spouse under paragraph (1) of this subsection is less than the amount which would be payable for one child under section 542 of this title if the surviving spouse were not entitled, the surviving spouse shall be paid at the child's rate."; and

38 USC 542.

(2) by striking out in subsection (d) "widow" and "$20" and inserting in lieu thereof "surviving spouse" and "$22", respectively.

Effective date.

SEC. 104. Effective for the period beginning January 1, 1976, and ending September 30, 1976, section 542 of title 38, United States Code, is amended—

(1) by striking out in subsection (a) "$49" and "$20" and inserting in lieu thereof "$53" and "$22", respectively; and

(2) by striking out in subsection (c) "$2,400" and inserting in lieu thereof "$2,700".

SEC. 105. Effective for the period beginning January 1, 1976, and ending September 30, 1976, section 544 of title 38, United States Code, is amended to read as follows: Effective date.

"§ 544. Aid and attendance allowance

"If any surviving spouse is entitled to pension under this subchapter and is in need of regular aid and attendance, the monthly rate of pension payable to the surviving spouse shall be increased by $69.".

SEC. 106. Effective January 1, 1976, chapter 15 of title 38, United States Code, is amended— Effective date 38 USC 501 *et seq.*

(1) by striking out in section 501(2) "him" and inserting in lieu thereof "such veteran";

(2) by striking out in subsections (a), (b), and (c) of section 502 "he" and "his" each time they appear and inserting in lieu thereof "such person" and "such veteran's", respectively;

(3) by striking out in section 503(a)(7) "wife", "his", and "widow" and inserting in lieu thereof "spouse", "such veteran's", and "surviving spouse", respectively;

(4) by striking out in subclauses (A), (B), and (C) of section 503(a)(7) "his" each time it appears and inserting in lieu thereof "such veteran's";

(5) by striking out in subclauses (A) and (B) of section 503(a)(9) "his", "widow", and "wife" each time they appear and inserting in lieu thereof "such veteran's", "surviving spouse", and "spouse", respectively;

(6) by striking out in section 503(a)(14) "his widow" and inserting in lieu thereof "such veteran's surviving spouse";

(7) by striking out in section 503(a)(16) "his" and inserting in lieu thereof "such employee's";

(8) by striking out in section 503(c) "widow" and inserting in lieu thereof "surviving spouse";

(9) by striking out in section 505(a) "his" each time it appears and inserting in lieu thereof "such individual's";

(10) by striking out in section 505(b) "his wife" and inserting in lieu thereof "such veteran's spouse";

(11) by striking out in section 505(c), including clauses (1) and (2), "widow" each time it appears and inserting in lieu thereof "surviving spouse";

(12) by striking out in section 506(a)(1) "he" and inserting in lieu thereof "the Administrator";

(13) by striking out in section 506(a)(2) "him", "he", and "his" each time they appear and inserting in lieu thereof "the Administrator", "such person", and "such person's", respectively;

(14) by striking out in section 506(a)(3) "his" each time it appears and inserting in lieu thereof "such person's";

(15) by striking out in section 507 ", in his discretion,"; by striking out in such section "his wife" and inserting in lieu thereof "such veteran's spouse"; and by striking out in such section "wife" the second time it appears and inserting in lieu thereof "spouse";

(16) by striking out in subsections (b) and (c) of section 511 "he" each time it appears and inserting in lieu thereof "such veteran";

(17) by striking out in subsections (a) and (b) of section 512 "he" each time it appears and inserting in lieu thereof "such veteran";

38 USC 521.

(18) by striking out in section 521(g) "he" and inserting in lieu thereof "such veteran";

(19) by striking out in section 523(b) "him" and inserting in lieu thereof "such veteran";

(20) by striking out in section 532(a) "widow", "she", "wife", and "his" each time they appear and inserting in lieu thereof "surviving spouse", "such surviving spouse", "spouse", and "such veteran's", respectively;

(21) by striking out in subsections (b) and (c) of section 532 "widow" and "he" each time they appear and inserting in lieu thereof "surviving spouse" and "such veteran", respectively;

(22) by striking out in section 532(d) "widow", "she", and "him" and inserting in lieu thereof "surviving spouse", "such surviving spouse", and "such veteran", respectively;

(23) by striking out in the catchline of section 532 "**Widows**" and inserting in lieu thereof "**Surviving spouses**";

(24) by striking out in the table of sections at the beginning of such chapter 15

"532. Widows of Civil War veterans."

and inserting in lieu thereof

"532. Surviving spouses of Civil War veterans.";

(25) by striking out in section 533 "widow" and inserting in lieu thereof "surviving spouse";

(26) by striking out in section 534(a) "widow", "she", "wife", and "his" each time they appear and inserting in lieu thereof "surviving spouse", "such surviving spouse", "spouse", and "such veteran's", respectively;

(27) by striking out in section 534(b) "widow" and inserting in lieu thereof "surviving spouse";

(28) by striking out in section 534(c) "widow", "she", and "him" and inserting in lieu thereof "surviving spouse", "such surviving spouse", and "such veteran", respectively;

(29) by striking out in the catchline of section 534 "**Widows**" and inserting in lieu thereof "**Surviving spouses**";

(30) by striking out in the table of sections at the beginning of such chapter 15

"534. Widows of Indian War veterans."

and inserting in lieu thereof

"534. Surviving spouses of Indian War veterans.";

(31) by striking out in section 535 "widow" and inserting in lieu thereof "surviving spouse";

(32) by striking out in section 536(a) "widow", "she", "wife", and "his" and inserting in lieu thereof "surviving spouse", "such surviving spouse", "spouse", and "such veteran's", respectively;

(33) by striking out in subsections (b) and (c) of section 536 "widow", "she", and "him" each time they appear and inserting in lieu thereof "surviving spouse", "such surviving spouse", and "such veteran", respectively;

(34) by striking out in section 536(d)(1) "widow", "she", and "widows" and inserting in lieu thereof "surviving spouse", "such surviving spouse", and "surviving spouses", respectively;

(35) by striking out in section 536(d)(2) "widow" and inserting in lieu thereof "surviving spouse"; 38 USC 536.

(36) by striking out in clauses (A) and (B) of section 536(d)(2) "her" and "widow" each time they appear and inserting in lieu thereof "such surviving spouse" and "surviving spouse", respectively;

(37) by striking out in the catchline of section 536 **"Widows"** and inserting in lieu thereof **"Surviving spouses"**;

(38) by striking out in the table of sections at the beginning of such chapter 15

"536. Widows of Spanish-American War veterans."

and inserting in lieu thereof

"536. Surviving spouses of Spanish-American War veterans.";

(39) by striking out in section 537 "widow" and inserting in lieu thereof "surviving spouse";

(40) by striking out in subclauses (A), (B), and (C) of section 541(e)(1) "widow" each time it appears and inserting in lieu thereof "surviving spouse";

(41) by striking out in section 560(b) "himself" and "his" and inserting in lieu thereof "such person" and "such person's", respectively;

(42) by striking out in subsections (a) and (b) of section 561 "his", "him", and "he" each time they appear and inserting in lieu thereof "such person's", "such person", and "such person", respectively;

(43) by striking out in section 561(c) "by him";

(44) by striking out in section 562(a) "him" and inserting in lieu thereof "the Administrator"; and

(45) by striking out in subsections (b) and (d) of section 562 "he" each time it appears and inserting in lieu thereof "such person".

SEC. 107. Effective for the period beginning January 1, 1976, and ending September 30, 1976, section 4 of Public Law 90-275 (82 Stat. 68) is amended to read as follows: Effective date. 38 USC 521 note.

"SEC. 4. The annual income limitations governing payment of pension under the first sentence of section 9(b) of the Veterans' Pension Act of 1959 hereafter shall be $2,900 and $4,200, instead of $2,600 and $3,900, respectively.". 38 USC 521 note.

TITLE II—INTERIM ADJUSTMENTS IN CURRENT STATUTORY PROVISIONS RELATING TO DEPENDENCY AND INDEMNITY COMPENSATION FOR PARENTS

SEC. 201. Effective for the period beginning January 1, 1976, and ending September 30, 1976, section 415 of title 38, United States Code, is amended— Effective date.

(1) by redesignating paragraph (2) of subsection (b) as paragraph (4) of subsection (b) and by striking out in the redesignated paragraph (4) of subsection (b) "he", "him", and "his" each time they appear and inserting in lieu thereof "such parent", "such parent", and "such parent's", respectively;

(2) by amending paragraph (1) of subsection (b) to read as follows:

One parent.

"(b)(1) Except as provided in paragraph (4) of this subsection, if there is only one parent, dependency and indemnity compensation shall be paid to the parent according to the following formula:

"The monthly rate of dependency and indemnity compensation shall be $133 reduced by—	For each $1 of annual income	
	Which is more than—	But not more than—
$0.00	0	$800
.03	$800	1,000
.04	1,000	1,200
.05	1,200	1,500
.06	1,500	1,700
.08	1,700	3,300

"(2) In no case may the amount of dependency and indemnity compensation payable to any parent under this subsection be less than $5 monthly.

"(3) In no case may dependency and indemnity compensation be paid under paragraph (1) of this subsection to any parent if the annual income of such parent exceeds $3,300.";

(3) by amending subsections (c) and (d) to read as follows:

Two parents.

"(c)(1) Except as provided in subsection (d) of this section, if there are two parents, but they are not living together, dependency and indemnity compensation shall be paid to each parent according to the following formula:

"The monthly rate of dependency and indemnity compensation shall be $93 reduced by—	For each $1 of annual income of such parent	
	Which is more than—	But not more than—
$0.00	0	$800
.02	$800	1,100
.04	1,100	1,600
.05	1,600	2,400
.06	2,400	3,300

"(2) In no case may the amount of dependency and indemnity compensation payable to any parent under this subsection be less than $5 monthly.

"(3) In no case may dependency and indemnity compensation be paid under paragraph (1) of this subsection to any parent if the annual income of such parent exceeds $3,300.

"(d)(1) If there are two parents who are living together, or if a parent has remarried and is living with such parent's spouse, depend-

ency and indemnity compensation shall be paid to each such parent according to the following formula:

"The monthly rate of dependency and indemnity compensation shall be $90 reduced by—	For each $1 of the total combined annual income	
	Which is more than—	But not more than—
$0.00	0	$1,000
.02	$1,000	2,300
.03	2,300	3,300
.04	3,300	4,500

"(2) In no case may the amount of dependency and indemnity compensation payable to any parent under this subsection be less than $5 monthly.

"(3) In no case may dependency and indemnity compensation be paid under this subsection to a parent if the total combined annual income of the parent and such parent's spouse exceeds $4,500.";

(4) by striking out in subsection (e) "him" each time it appears and inserting in lieu thereof "the Administrator";

(5) by striking out in subsection (f) "he" and inserting in lieu thereof "the Administrator";

(6) by striking out in subsection (g)(1)(J)(ii) "his" and inserting in lieu thereof "such veteran's"; and

(7) by striking out in subsection (h) "$64" and inserting in lieu thereof "$69".

SEC. 202. Effective for the period beginning January 1, 1976, and ending September 30, 1976, section 322 of title 38, United States Code, is amended by striking out in subsection (b) "$64" and inserting in lieu thereof "$69". Effective date.

Approved December 23, 1975.

LEGISLATIVE HISTORY:

HOUSE REPORT No. 94-601 (Comm. on Veterans' Affairs).
SENATE REPORT No. 94-568 (Comm. on Veterans' Affairs).
CONGRESSIONAL RECORD, Vol. 121 (1975):
Nov. 4, considered and passed House.
Dec. 17, considered and passed Senate, amended.
Dec. 18, House concurred in Senate amendment.

Public Law 94–170
94th Congress

An Act

Dec. 23, 1975
[H.R. 1535]

To increase the amount of benefits payable to widows of certain former employees of the Lighthouse Service.

Lighthouse Service.
Widows benefits.
33 USC 771 note.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the benefits payable under section 1 or section 2 of the Act of August 19, 1950 (64 Stat. 465, 466), as amended (33 U.S.C. 771, 772) shall, effective on the first day of the calendar month following enactment of this Act, be increased by $26 per month.

SEC. 2. The increases under this Act shall apply to benefits which commence before, on, or after the date of enactment of this Act, but no increase in benefits shall be paid for any period prior to the date of enactment of this Act, or the date on which the eligibility for benefits commences, whichever is later.

Approved December 23, 1975.

LEGISLATIVE HISTORY:

HOUSE REPORT No. 94–661 (Comm. on Merchant Marine and Fisheries).
CONGRESSIONAL RECORD, Vol. 121 (1975):
Nov. 17, considered and passed House.
Dec. 16, considered and passed Senate.

Public Law 94–171
94th Congress

An Act

To amend section 141 of title 13, United States Code, to provide for the transmittal to each of the several States of the tabulation of population of that State obtained in each decennial census and desired for the apportionment or districting of the legislative body or bodies of that State, in accordance with, and subject to the approval of the Secretary of Commerce, a plan and form suggested by that officer or public body having responsibility for legislative apportionment or districting of the State being tabulated, and for other purposes.

Dec. 23, 1975
[H.R. 1753]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 141 of title 13, United States Code, is amended by adding at the end thereof the following new subsection:

Population, tabulation for State legislative apportionment.

"(c) The officers or public bodies having initial responsibility for the legislative apportionment or districting of each State may, not later than three years prior to the census date, submit to the Secretary a plan identifying the geographic areas for which specific tabulations of population are desired. Each such plan shall be developed in accordance with criteria established by the Secretary, which he shall furnish to such officers or public bodies not later than April 1 of the fourth year preceding the census date. Such criteria shall include requirements which assure that such plan shall be developed in a nonpartisan manner. Should the Secretary find that a plan submitted by such officers or public bodies does not meet the criteria established by him, he shall consult to the extent necessary with such officers or public bodies in order to achieve the alterations in such plan that he deems necessary to bring it into accord with such criteria. Any issues with respect to such plan remaining unresolved after such consultation shall be resolved by the Secretary, and in all cases he shall have final authority for determining the geographic format of such plan. Tabulations of population for the areas identified in any plan approved by the Secretary shall be completed by him as expeditiously as possible after the census date and reported to the Governor of the State involved and the officers or public bodies having responsibility for legislative apportionment or districting of such State, except that such tabulations of population of each State requesting a tabulation plan, and basic tabulations of population of each other State, shall, in any event, be completed, reported and transmitted to each respective State within one year after the census date.".

SEC. 2. (a) The heading for section 141 of title 13, United States Code, is amended by adding at the end thereof the following: "**; tabulation for legislative apportionment**".

(b) The table of sections for chapter 5 of title 13, United States Code, is amended by striking out the item relating to section 141 and inserting in lieu thereof the following:

"141. Population, unemployment, and housing; tabulation for legislative apportionment.".

Approved December 23, 1975.

LEGISLATIVE HISTORY:

HOUSE REPORT No. 94–456 (Comm. on Post Office and Civil Service).
SENATE REPORT No. 94–539 (Comm. on Post Office and Civil Service).
CONGRESSIONAL RECORD, Vol. 121 (1975):
Nov. 7, considered and passed House.
Dec. 15, considered and passed Senate.

Public Law 94-172
94th Congress

An Act

To amend title 5, United States Code, to provide that annual leave lost by a Federal employee because of an unjustified or unwarranted personnel action shall be restored to the employee, and for other purposes.

Dec. 23, 1975
[H.R. 7976]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) section 5596(b)(2) of title 5, United States Code, relating to unjustified personnel actions, is amended to read as follows:

Federal employees. Annual leave restoration.

"(2) for all purposes, is deemed to have performed service for the agency during that period except that—

"(A) annual leave restored under this paragraph which is in excess of the maximum leave accumulation permitted by law shall be credited to a separate leave account for the employee and shall be available for use by the employee within the time limits prescribed by regulations of the Civil Service Commission, and

"(B) annual leave credited under subparagraph (A) of this paragraph but unused and still available to the employee under regulations prescribed by the Commission shall be included in the lump-sum payment under section 5551 or 5552(1) of this title but may not be retained to the credit of the employee under section 5552(2) of this title.".

5 USC 5551, 5552.

(b) The amendment made by subsection (a) shall apply to any employee found, on or after March 30, 1966, to have undergone an unjustified or unwarranted personnel action the correction of which entitled or entitles such employee to the benefits provided under section 5596 of title 5, United States Code.

5 USC 5596 note.

Former employees. 5 USC 5596 note.

SEC. 2. With respect to former employee (except a former employee referred to in section 3 of this Act) who is not on the rolls on the date of the enactment of this Act, annual leave which was not credited under section 5596 of title 5, United States Code, because it was in an amount that would have caused the amount of leave to the employee's credit to exceed the maximum amount of the leave authorized for the employee by law or regulation, is subject to credit and liquidation by lump-sum payment only if a claim therefor is filed within three years immediately following the date of the enactment of this Act with the agency by which the employee was employed when the lump-sum payment provisions of section 5551 of title 5, United States Code, last became applicable to such employee. Payment shall be by that agency at the salary rate in effect on the date the lump-sum payment provisions became applicable.

Former Postal employees. 5 USC 5596 note.

SEC. 3. (a) With respect to a former employee of the Post Office Department or a former employee of the United States Postal Service who had prior civilian service with the Post Office Department or other Federal agency, who is not on the rolls on the date of the enactment of this Act, annual leave which was accrued before July 1, 1971, but was not credited under section 5596 of title 5, United States Code, because it was in an amount that would have caused the amount of leave to his credit to exceed the maximum amount of the leave authorized for the employee by law or regulation, is subject to credit and

liquidation by lump-sum payment only if a claim therefor is filed within 3 years immediately following the date of enactment of this Act with the Postal Service. Payment shall be by the Postal Service at the salary rate in effect on the date the lump-sum payment provisions of section 5551 of title 5, United States Code, or comparable provisions of regulations of the Postal Service, as appropriate, last became applicable to the former employee.

Present Postal employees.

(b) With respect to a present employee of the Postal Service who had prior Federal civilian service with the Post Office Department or other Federal agency, annual leave which was accrued before July 1, 1971, but was not credited under section 5596 of title 5, United States Code, because it was in an amount that would have caused the amount of leave to the employee's credit to exceed the maximum amount of the leave authorized for the employee by law or regulation, is subject to credit and liquidation by lump-sum payment only if a claim therefor is filed with the Postal Service within three years immediately following the date of the enactment of this Act. Payment shall be by the Postal Service at the salary rate in effect on the date of the enactment of this Act.

Approved December 23, 1975.

LEGISLATIVE HISTORY:

HOUSE REPORT No. 94-447 (Comm. on Post Office and Civil Service).
SENATE REPORT No. 94-536 (Comm. on Post Office and Civil Service).
CONGRESSIONAL RECORD, Vol. 121 (1975):
Oct. 6, considered and passed House.
Dec. 15, considered and passed Senate.

Public Law 94–173
94th Congress

An Act

To amend section 2 of the National Housing Act to increase the maximum loan amounts for the purchase of mobile homes.

Dec. 23, 1975
[S. 848]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 2(b)(1) of the National Housing Act is amended by striking out "$10,000 ($15,000" and inserting in lieu thereof "$12,500 ($20,000".

Mobile home loans.
12 USC 1703.

SEC. 2. Notwithstanding the provisions of section 103(a) (2) and (3) and section 104 of the Housing Act of 1949 or of any other law (1) the maximum project capital grant for Project No. Mass. R–107 may exceed two-thirds of the net project costs of said project, and any such excess shall not be considered in determining the project capital grant for any other project in the same municipality and (2) the maximum amount of local grants-in-aid required in connection with Project No. Mass. R–107, under the Contract No. Mass. R–107 (LG) or amendatory contracts for capital grant for said project, shall be one-half of the maximum project capital grant for said project authorized under section 7(d) of said contract, dated December 28, 1965, prior to any amendatory contract, and any local grants-in-aid provided in connection with said project in excess of such maximum amount or any local grants-in-aid provided in connection with any other project in the same municipality shall not decrease the amount of the project capital grant for said project under said contract and amendatory contracts: *Provided*, That any local grants-in-aid provided in connection with said project in excess of such maximum amount shall not be considered in determining the local grants-in-aid required for any other project in the same municipality.

42 USC 1453, 1454.

SEC. 3. The National Housing Act is amended by striking out the words "by not to exceed 45 per centum in any geographical area" where they appear in sections 207(c)(3), 213(b)(2), 220(d)(3)(B)(iii), 221(d)(3)(ii), 221(d)(4)(ii), 231(c)(2), and 234(e)(3) and inserting in lieu thereof in each such section the words "by not to exceed 75 per centum in any geographical area".

12 USC 1713, 1715e, 1715k, 1715*l*, 1715v, 1715y.

SEC. 4. (a) The seventh sentence of section 221(f) of the National Housing Act is amended by striking out ", but not more than 10 per centum of the dwelling units in any such project shall be available for occupancy by such persons".

(b) The proviso to subparagraph (C) of section 236(j)(5) of such Act is amended by striking out ", but not more than 10 per centum of the dwelling units in any such project shall be available for occupancy by such persons".

12 USC 1715z-1.

41 USC 4056.

SEC. 5. Section 1336(a) of the National Flood Insurance Act of 1968, as amended, is amended by striking out "December 31, 1975" and inserting in lieu thereof "December 31, 1976".

Approved December 23, 1975.

LEGISLATIVE HISTORY:

SENATE REPORT No. 94-341 (Comm. on Banking, Housing and Urban Affairs).
CONGRESSIONAL RECORD, Vol. 121 (1975):
Sept. 10, considered and passed Senate.
Dec. 16, considered and passed House.

Public Law 94–174
94th Congress

An Act

To authorize an exchange of lands for an entrance road at Guadalupe Mountains National Park, Texas, and for other purposes.

Dec. 23, 1975
[S. 313]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That subsection (b) of section 2 of the Act approved October 15, 1966 (80 Stat. 920), providing for the establishment of the Guadalupe Mountains National Park in the State of Texas, is amended by adding the following after the third sentence: "In order to provide for an adequate entrance road into the McKittrick Canyon area of the park, the Secretary may accept title to and interests in lands comprising a right-of-way for a road or roads outside of the boundary of the park from United States Highway numbered 62 and 180 to the park boundary, and in exchange therefor he may convey title to and interests in lands comprising a right-of-way from said highway to the boundary which have been donated to the United States. The Secretary may accept cash from or pay cash to the grantor in such exchange in order to equalize the values of the properties exchanged. Lands and interests in lands comprising the right-of-way acquired pursuant to this subsection shall be administered as part of the park.".

Guadalupe Mountains National Park, Tex.
Lands exchange.
16 USC 283a.

Approved December 23 1975.

LEGISLATIVE HISTORY:

HOUSE REPORT No. 94–683 accompanying H.R. 1747 (Comm. on Interior and Insular Affairs).
SENATE REPORT No. 94–164 (Comm. on Interior and Insular Affairs).
CONGRESSIONAL RECORD, Vol. 121 (1975):
June 4, considered and passed Senate.
Dec. 1, considered and passed House, amended, in lieu of H.R. 1747.
Dec. 17, Senate concurred in House amendment.

Public Law 94–175
94th Congress

An Act

Dec. 23, 1975
[S. 1922]

To amend the Act of July 7, 1970 (84 Stat. 409) to authorize appropriations to the Secretary of the Interior without reference to the agencies involved.

Walla Walla project, Oreg.-Wash. Appropriation authorization. 43 USC 616yyyy.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 6 of the Act entitled "An Act to authorize the Secretary of the Interior to construct, operate, and maintain the Touchet Division, Walla Walla project, Oregon-Washington, and for other purposes", approved July 7, 1970 (84 Stat. 409), is amended to read as follows:

"SEC. 6. There are authorized to be appropriated for construction of the works involved in the Touchet Division the sum of $22,774,000 (January 1969 prices), plus or minus such amounts, if any, as may be required by reason of changes in the cost of construction work of the types involved therein as shown by engineering cost indexes, and, in addition thereto, such sums as may be required to operate and maintain such division.".

Approved December 23, 1975.

LEGISLATIVE HISTORY:

HOUSE REPORT No. 94–695 (Comm. on Interior and Insular Affairs).
SENATE REPORT No. 94–417 (Comm. on Interior and Insular Affairs).
CONGRESSIONAL RECORD, Vol. 121 (1975):
Oct. 9, considered and passed Senate.
Dec. 16, considered and passed House.

Public Law 94–176
94th Congress

An Act

To extend until April 30, 1976, the authority of the National Commission for the Review of Federal and State Laws Relating to Wiretapping and Electronic Surveillance.

Dec. 23, 1975
[S. 2757]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 804(h) of the Omnibus Crime Control and Safe Streets Act of 1968, as amended (82 Stat. 197; 18 U.S.C. 2510 note), is further amended by striking out "January 31, 1976" and inserting in lieu thereof "April 30, 1976".

Termination date.
Extension.

Approved December 23, 1975.

LEGISLATIVE HISTORY:

CONGRESSIONAL RECORD, Vol. 121 (1975):
Dec. 9, considered and passed Senate.
Dec. 15, considered and passed House.

Public Law 94-177
94th Congress

An Act

Dec. 23, 1975
[H.R. 4865]

To amend title 39, United States Code, to prohibit certain franked mailings by Members of the Congress and certain officers of the United States, other than mailings related to the closing of their official business, after such Members or officers have left office.

Former Members of Congress.
Franking privileges.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) section 3210(b)(1) of title 39, United States Code, is amended—

(1) by striking out "and" immediately before "each"; and

(2) by striking out "until the 1st day of April following the expiration of their respective terms of office,".

(b) Section 3210(b) of title 39, United States Code, is amended by adding at the end thereof the following new paragraph:

"(3) The Vice President, each Member of Congress, the Secretary of the Senate, the Sergeant at Arms of the Senate, and each of the elected officers of the House (other than a Member of the House), during the 90-day period immediately following the date on which they leave office, may send, as franked mail, matter on official business relating to the closing of their respective offices. The House Commission on Congressional Mailing Standards and the Select Committee on Standards and Conduct of the Senate shall prescribe for their respective Houses such rules and regulations, and shall take such other action as the Commission or Committee considers necessary and proper, to carry out the provisions of this paragraph.".

Approved December 23, 1975.

LEGISLATIVE HISTORY:

HOUSE REPORT No. 94-443 (Comm. on Post Office and Civil Service).
SENATE REPORT No. 94-538 (Comm. on Post Office and Civil Service).
CONGRESSIONAL RECORD, Vol. 121 (1975):
Oct. 6, considered and passed House.
Dec. 15, considered and passed Senate.

Public Law 94–178
94th Congress

An Act

To increase the retired pay of certain members of the former Lighthouse Service.

Dec. 23, 1975
[H.R. 6851]

Lighthouse Service employees.
Retired pay increase.
33 USC 763 note.
33 USC 763–765.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the annual rate of retired pay received by a person under section 6 of the Act of June 20, 1918, as amended and supplemented (33 U.S.C. 736–765), who was retired on or before October 1, 1972, shall, effective on the first day of the calendar month following enactment of this Act, be increased by $270.

Approved December 23, 1975.

LEGISLATIVE HISTORY:

HOUSE REPORT No. 94–663 (Comm. on Merchant Marine and Fisheries).
CONGRESSIONAL RECORD, Vol. 121 (1975):
Nov. 17, considered and passed House.
Dec. 16, considered and passed Senate.

Public Law 94–179
94th Congress

An Act

Dec. 23, 1975
[H.R. 8151]

To authorize the President of the United States to present in the name of Congress, a medal to Brigadier General Charles E. Yeager.

Brig. Gen. Charles E. Yeager. Medal.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the President of the United States is hereby authorized to present, on behalf of the Congress, to Brigadier General Charles E. Yeager, United States Air Force, an appropriate silver medal, equivalent to a noncombat Medal of Honor, for contributing immeasurably to aerospace science by risking his life in piloting the XS–1 research airplane faster than the speed of sound on October 14, 1947. For such purpose the Secretary of the Treasury is authorized and directed to cause to be struck a silver medal with suitable emblems, devices, and inscriptions to be determined by the Secretary of the Air Force subject to the approval of the Secretary of the Treasury. There is hereby authorized to be appropriated the sum of $5,500 for this purpose.

Appropriation authorization.

Duplicates.

SEC. 2. The Secretary of the Treasury shall cause duplicates in bronze of such medal to be coined and sold, under such regulations as he may prescribe, at a price sufficient to cover the cost thereof (including labor), and the appropriations used in carrying out the provisions of this section shall be reimbursed out of the proceeds of such sale.

Approved December 23, 1975.

LEGISLATIVE HISTORY:

SENATE REPORT No. 94–565 (Comm. on Banking, Housing and Urban Affairs).
CONGRESSIONAL RECORD, Vol. 121 (1975):
Oct. 20, considered and passed House.
Dec. 16, considered and passed Senate.

Public Law 94-180
94th Congress

An Act

Dec. 26, 1975
[H.R. 8122]

Making appropriations for public works for water and power development and energy research, including the Corps of Engineers—Civil, the Bureau of Reclamation, power agencies of the Department of the Interior, the Appalachian regional development programs, the Federal Power Commission, the Tennessee Valley Authority, the Nuclear Regulatory Commission, the Energy Research and Development Administration, and related independent agencies and commissions for the fiscal year ending June 30, 1976, and the period ending September 30, 1976, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the following sums are appropriated, out of any money in the Treasury not otherwise appropriated, for the fiscal year ending June 30, 1976, and the period ending September 30, 1976, for public works for water and power development and energy research, including the Corps of Engineers—Civil, the Bureau of Reclamation, power agencies of the Department of the Interior, the Appalachian regional development programs, the Federal Power Commission, the Tennessee Valley Authority, the Nuclear Regulatory Commission, the Energy Research and Development Administration, and related independent agencies and commissions, and for other purposes, namely:

Public Works for Water and Power Development and Energy Research Appropriation Act, 1976.

TITLE I—ENERGY RESEARCH AND DEVELOPMENT ADMINISTRATION

Operating Expenses

For necessary operating expenses of the Administration in carrying out the purposes of the Energy Reorganization Act of 1974; hire, maintenance, and operation of aircraft; publication and dissemination of atomic and other energy information; purchase, repair, and cleaning of uniforms; official entertainment expenses (not to exceed $25,000); reimbursement of the General Services Administration for security guard services; hire of passenger motor vehicles; $3,130,765,000 and any moneys (except sums received from disposal of property under the Atomic Energy Community Act of 1955 and the Strategic and Critical Materials Stockpiling Act, as amended, and fees received for tests or investigations under the Act of May 16, 1910, as amended (42 U.S.C. 2301; 50 U.S.C. 98h; 30 U.S.C. 7)) received by the Energy Research and Development Administration notwithstanding the provisions of section 3617 of the Revised Statutes (31 U.S.C. 484), to remain available until expended: *Provided*, That from this appropriation transfers of sums may be made to other agencies of the Government for the performance of the work for which this appropriation is made, and in such cases the sums so transferred may be merged with the appropriation to which transferred: *Provided further*, That the amount appropriated in any other appropriation act for "Operating expenses" for the Energy Research and Development Administration for the fiscal year ending June 30, 1976, shall be merged, without limitation, with this appropriation.

42 USC 5801 note.

42 USC 2301 note.
50 USC 98 note.

For "Operating expenses" for the period July 1, 1976, through September 30, 1976, $941,507,000, to remain available until expended:

Provided, That the amount appropriated in any other appropriation act for "Operating expenses" for the Energy Research and Development Administration for the period July 1, 1976, through September 30, 1976, shall be merged, without limitation, with this appropriation.

PLANT AND CAPITAL EQUIPMENT

For expenses of the Administration, as authorized by law, in connection with the purchase and construction of plant and the acquisition of capital equipment and other expenses incidental thereto necessary in carrying out the purposes of the Energy Reorganization Act of 1974, including the acquisition or condemnation of any real property or any facility or for plant or facility acquisition, construction, or expansion; purchase of not to exceed three hundred and thirty-four for replacement only, and hire of passenger motor vehicles; purchase of not to exceed two, acquisition without reimbursement of not to exceed two, and hire of aircraft; $907,642,000 to remain available until expended: *Provided*, That the amount appropriated in any other appropriation Act for "Plant and capital equipment" for the Energy Research and Development Administration for the fiscal year ending June 30, 1976, shall be merged, without limitation, with this appropriation.

42 USC 5801 note.

For "Plant and capital equipment," except for purchase of motor vehicles and aircraft, for the period July 1, 1976, through September 30, 1976, $185,776,000 to remain available until expended: *Provided*, That the amount appropriated in any other appropriation Act for "Plant and capital equipment" for the Energy Research and Development Administration for the period July 1, 1976, through September 30, 1976, shall be merged, without limitation, with this appropriation.

GENERAL PROVISIONS

Transfer of funds, report to congressional committees.

SEC. 101. Not to exceed 5 per centum of appropriations made available for the current fiscal year for "Operating expenses" and "Plant and capital equipment" may be transferred between such appropriations, but neither such appropriation, except as otherwise provided herein, shall be increased by more than 5 per centum by any such transfers, and any such transfers shall be reported promptly to the Appropriations Committees of the House and Senate.

TITLE II—DEPARTMENT OF DEFENSE—CIVIL

DEPARTMENT OF THE ARMY

CORPS OF ENGINEERS—CIVIL

The following appropriations shall be expended under the direction of the Secretary of the Army and the supervision of the Chief of Engineers for authorized civil functions of the Department of the Army pertaining to rivers and harbors, flood control, beach erosion, and related purposes.

GENERAL INVESTIGATIONS

For expenses necessary for the collection and study of basic information pertaining to river and harbor, flood control, shore protection, and related projects, restudy of authorized projects, and when authorized by law, surveys and studies of projects prior to authorization for construction, $66,836,000, to remain available until expended: *Provided*, That $1,500,000 of this appropriation shall be transferred to

the United States Fish and Wildlife Service for studies, investigations, and reports thereon as required by the Fish and Wildlife Coordination Act of 1958 (72 Stat. 563–565), to provide that wildlife conservation shall receive equal consideration and be coordinated with other features of water-resource development programs of the Department of the Army. 16 USC 661 note.

For "General investigations" for the period July 1, 1976, through September 30, 1976, $17,110,000, to remain available until expended.

CONSTRUCTION, GENERAL

For the prosecution of river and harbor, flood control, shore protection, and related projects authorized by law; and detailed studies, and plans and specifications, of projects (including those for development with participation or under consideration or participation by States, local governments, or private groups) authorized or made eligible for selection by law (but such studies shall not constitute a commitment of the Government to construction): $1,228,648,000, to remain available until expended: *Provided*, That no part of this appropriation shall be used for projects not authorized by law or which are authorized by law limiting the amount to be appropriated therefor, except as may be within the limits of the amount now or hereafter authorized to be appropriated: *Provided further*, That not to exceed $8,000,000 of this appropriation or from any previous appropriation under this head shall be for construction or improvement of recreation facilities at full Federal expense at projects which were completed or which received an appropriation for project construction prior to the approval of Public Law 89–72: *Provided further*, That $1,900,000 of this appropriation shall be transferred to the United States Fish and Wildlife Service for studies, investigations, and reports thereon as required by the Fish and Wildlife Coordination Act of 1958 (72 Stat. 563–565) to provide that wildlife conservation shall receive equal consideration and be coordinated with other features of water-resource development programs of the Department of the Army. 16 USC 460*l*–12.

For "Construction, general" for the period July 1, 1976, through September 30, 1976, $408,741,000, to remain available until expended.

FLOOD CONTROL, MISSISSIPPI RIVER AND TRIBUTARIES

For expenses necessary for prosecuting work of flood control, and rescue work, repair, restoration, or maintenance of flood control projects threatened or destroyed by flood, as authorized by law (33 U.S.C. 702a, 702g–1), $163,250,000, to remain available until expended: *Provided*, That not less than $250,000 shall be available for bank stabilization measures as determined by the Chief of Engineers to be advisable for the control of bank erosion of streams in the Yazoo Basin, including the foothill area, and where necessary such measures shall complement similar works planned and constructed by the Soil Conservation Service and be limited to the areas of responsibility mutually agreeable to the District engineer and the State Conservationist.

For "Flood control, Mississippi River and tributaries" for the period July 1, 1976, through September 30, 1976, $60,300,000, to remain available until expended.

OPERATION AND MAINTENANCE, GENERAL

For expenses necessary for the preservation, operation, maintenance, and care of existing river and harbor, flood control, and related works, including such sums as may be necessary for the maintenance of

harbor channels provided by a State, municipality or other public agency, outside of harbor lines, and serving essential needs of general commerce and navigation; administration of laws pertaining to preservation of navigable waters; surveys and charting of northern and northwestern lakes and connecting waters; clearing and straightening channels; and removal of obstructions to navigation; $582,073,000, to remain available until expended.

For "Operation and maintenance, general" for the period July 1, 1976, through September 30, 1976, $153,116,000 to remain available until expended.

REVOLVING FUND

For the design of hopper dredges, $700,000, to remain available until expended.

For "Revolving Fund" for the period July 1, 1976, through September 30, 1976, for the design and construction of hopper dredges, $950,000, to remain available until expended.

FLOOD CONTROL AND COASTAL EMERGENCIES

For expenses necessary for emergency flood control, hurricane, and shore protection activities, as authorized by section 5 of the Flood Control Act, approved August 18, 1941, as amended, $40,400,000, to remain available until expended.

33 USC 701n.

For "Flood control and coastal emergencies" for the period July 1, 1976, through September 30, 1976, $3,750,000 to remain available until expended.

GENERAL EXPENSES

For expenses necessary for general administration and related functions in the Office of the Chief of Engineers and offices of the Division Engineers; activities of the Board of Engineers for Rivers and Harbors and the Coastal Engineering Research Center; commercial statistics; and miscellaneous investigations; $42,500,000.

For "General expenses" for the period July 1, 1976, through September 30, 1976, $10,650,000.

SPECIAL RECREATION USE FEES

For construction, operation, and maintenance of outdoor recreation facilities, including collection of special recreation use fees, to remain available until expended, $1,200,000, to be derived from the special account established by the Land and Water Conservation Act of 1965, as amended (16 U.S.C. 460l): *Provided*, That not more than 40 per centum of the foregoing amount shall be available for the enhancement of the fee collection system established by section 4 of such Act, including the promotion and enforcement thereof.

16 USC 460*l*–6a.

ADMINISTRATIVE PROVISIONS

Appropriations in this title shall be available for expenses of attendance by military personnel at meetings in the manner authorized by 5 U.S.C. 4110, uniforms, and allowances therefor, as authorized by law (5 U.S.C. 5901–5902), and for printing, either during a recess or session of Congress, of survey reports authorized by law, and such survey reports as may be printed during a recess of Congress shall be printed, with illustrations, as documents of the next succeeding session of Congress; not to exceed $10,000 for official reception and representation expenses; and during the current fiscal year the revolving fund,

Corps of Engineers, shall be available for purchase (not to exceed two hundred and eighteen of which two hundred and twelve shall be for replacement only), and hire of passenger motor vehicles: *Provided*, That the total capital of the revolving fund shall not exceed $248,700,000.

For "Administrative provisions" for the period July 1, 1976, through September 30, 1976, appropriations in this title shall be available for expenses of attendance by military personnel at meetings in the manner authorized by 5 U.S.C. 4110, uniforms, and allowances therefor, as authorized by law (5 U.S.C. 5901–5902), and for printing, either during a recess or session of Congress, of survey reports authorized by law, and such survey reports as may be printed during a recess of Congress shall be printed, with illustrations, as documents of the next succeeding session of Congress: *Provided*, That the total capital of the revolving fund shall not exceed $255,000,000.

GENERAL PROVISION

SEC. 201. To enable payment of any valid claims on the Federal Government for the construction of an airport facility at Kelley Flats, Montana, section 502 of the Supplemental Appropriation Act, 1968 (81 Stat. 773) is amended by deleting the amount "$140,000" contained therein and inserting in lieu thereof the amount "$240,000": *Provided*, That this amendment shall not be construed to change any obligations which have been undertaken, in agreement with the Federal Government, by non-Federal sponsors of the airport facility to contribute to the payment of the construction costs of the facility.

Kelly Flats, Mont.
Airport facility, construction.

TITLE III—DEPARTMENT OF THE INTERIOR

BUREAU OF RECLAMATION

For carrying out the functions of the Bureau of Reclamation as provided in the Federal reclamation laws (Act of June 17, 1902, 32 Stat. 388, and Acts amendatory thereof or supplementary thereto) and other Acts applicable to that Bureau, as follows:

43 USC 371 and note.

GENERAL INVESTIGATIONS

For engineering and economic investigations of proposed Federal reclamation projects and studies of water conservation and development plans and activities preliminary to the reconstruction, rehabilitation and betterment, financial adjustment, or extension of existing projects, to remain available until expended, $20,892,000: *Provided*, That none of this appropriation shall be used for more than one-half of the cost of an investigation requested by a State, municipality, or other interest: *Provided further*, That $530,000 of this appropriation shall be transferred to the United States Fish and Wildlife Service for studies, investigations, and reports thereon as required by the Fish and Wildlife Coordination Act of 1958 (72 Stat. 563–565) to provide that wildlife conservation shall receive equal consideration and be coordinated with other features of water-resource development programs of the Bureau of Reclamation.

16 USC 661 note.

For "General investigations" for the period July 1, 1976, through September 30, 1976, to remain available until expended, $6,794,000: *Provided*, That $178,000 of this appropriation shall be transferred to the United States Fish and Wildlife Service for studies, investigations

16 USC 661 note.

and reports thereon as required by the Fish and Wildlife Coordination Act of 1958 (72 Stat. 563–565).

CONSTRUCTION AND REHABILITATION

For construction and rehabilitation of authorized reclamation projects or parts thereof (including power transmission facilities) and for other related activities, as authorized by law, to remain available until expended, $327,308,000, of which $140,000,000 shall be derived from the reclamation fund: *Provided*, That no part of this appropriation shall be used to initiate the construction of transmission facilities within those areas covered by power wheeling service contracts which include provision for service to Federal establishments and preferred customers, except those transmission facilities for which construction funds have been heretofore appropriated, those facilities which are necessary to carry out the terms of such contracts or those facilities for which the Secretary of the Interior finds the wheeling agency is unable or unwilling to provide for the integration of Federal projects or for service to a Federal establishment or preferred customer: *Provided further*, That not to exceed $600,000 of the funds appropriated herein shall be made available for restoration of the Scoggins Valley Road from Oregon Highway No. 47 to Henry Hagg Lake (Scoggins Dam), which shall be nonreimbursable: *Provided further*, That the final point of discharge for the interceptor drain for the San Luis Unit shall not be determined until development by the Secretary of the Interior and the State of California of a plan, which shall conform with the water quality standards of the State of California as approved by the Administrator of the Environmental Protection Agency, to minimize any detrimental effect of the San Luis drainage waters: *Provided further*, That funds appropriated herein for the repairs to the Savage Rapids Dam, of the Rogue River Basin Project, Grants Pass Division, may be transferred to the Oregon Fish and Game Commission on a reimbursable basis for such work on the south fishway facilities as determined desirable by the Secretary of the Interior.

For "Construction and rehabilitation" for the period July 1, 1976, through September 30, 1976, to remain available until expended, $98,834,000, of which $78,000,000 shall be derived from the reclamation fund: *Provided further*, That not to exceed $1,400,000 of the funds appropriated herein shall be made available for restoration of the Scoggins Valley Road from Oregon Highway No. 47 to Henry Hagg Lake (Scoggins Dam), which shall be nonreimbursable.

UPPER COLORADO RIVER STORAGE PROJECT

For the Upper Colorado River Storage Project, as authorized by the Act of April 11, 1956, as amended (43 U.S.C. 620d), to remain available until expended, $41,152,000, of which $38,160,000 shall be available for the "Upper Colorado River Basin Fund" authorized by section 5 of said Act of April 11, 1956, and $2,992,000 shall be available for construction of recreational and fish and wildlife facilities authorized by section 8 thereof, and may be expended by bureaus of the Department through or in cooperation with State or other Federal agencies, and advances to such Federal agencies are hereby authorized: *Provided*, That no part of the funds herein approved shall be available for construction or operation of facilities to prevent waters of Lake Powell from entering any national monument.

43 USC 620g.

For the "Upper Colorado River storage project" for the period July 1, 1976, through September 30, 1976, to remain available until

expended, $16,399,000 of which $15,562,000 shall be available for the "Upper Colorado River Basin fund" authorized by section 5 of said act of April 11, 1956, and $837,000 shall be available for construction of recreational and fish and wildlife facilities authorized by section 8 thereof. 43 USC 620d. 43 USC 620g.

COLORADO RIVER BASIN PROJECT

For advances to the Lower Colorado River Basin Development Fund, as authorized by section 403 of the Act of September 30, 1968 (82 Stat. 894), for the construction, operation, and maintenance of projects authorized by title III of said Act, to remain available until expended $46,645,000, of which $17,440,000 is for liquidation of contract authority provided by section 303(b) of said Act. 43 USC 1543. 43 USC 1521. 43 USC 1523.

For advances to the Lower Colorado River Basin Development Fund, as authorized by section 403 of the Act of September 30, 1968, for the period July 1, 1976, through September 30, 1976, to remain available until expended, $10,310,000 of which $1,500,000 is for liquidation of contract authority provided by section 303(b) of said Act.

COLORADO RIVER BASIN SALINITY CONTROL PROJECTS

For construction, operation and maintenance of projects authorized by the Act of June 24, 1974, Public Law 93-320, to remain available until expended, $19,670,000. 43 USC 1571.

For "Colorado River Basin salinity control projects" for the period July 1, 1976, through September 30, 1976, to remain available until expended, $7,130,000.

OPERATION AND MAINTENANCE

For operation and maintenance of reclamation projects or parts thereof and other facilities, as authorized by law; and for a soil and moisture conservation program on lands under the jurisdiction of the Bureau of Reclamation, pursuant to law, $132,162,000, of which $110,110,000 shall be derived from the reclamation fund and $3,989,000 shall be derived from the Colorado River Dam fund: *Provided*, That funds advanced by water users for operation and maintenance of reclamation projects or parts thereof shall be deposited to the credit of this appropriation and may be expended for the same objects and in the same manner as sums appropriated herein may be expended, and such advances shall remain available until expended: *Provided further*, That the amount appropriated herein includes $15,394.83 for Colorado River Front Work and Levee System due the Cocopah Indian Tribe because of a revision of the reservation boundary provided for in a decision of the Department of the Interior and a final judgment of the United States District Court.

For "Operation and maintenance" for the period July 1, 1976, through September 30, 1976, $34,017,000 of which $27,950,000 shall be derived from the reclamation fund and $978,000 shall be derived from the Colorado River Dam fund.

LOAN PROGRAM

For loans to irrigation districts and other public agencies for construction of distribution systems on authorized Federal reclamation projects, and for loans and grants to non-Federal agencies for construction of projects, as authorized by the Acts of July 4, 1955, as amended (43 U.S.C. 421a-421d), and August 6, 1956 (43 U.S.C. 422a-

422k), as amended, including expenses necessary for carrying out the program, $22,665,000, to remain available until expended: *Provided*, That any contract under the Act of July 4, 1955 (69 Stat. 244), as amended, not yet executed by the Secretary, which calls for the making of loans beyond the fiscal year in which the contract is entered into shall be made only on the same conditions as those prescribed in section 12 of the Act of August 4, 1939 (53 Stat. 1187, 1197).

43 USC 388.

For "Loan program" for the period July 1, 1976, through September 30, 1976, to remain available until expended, $9,205,000.

EMERGENCY FUND

For an additional amount for the "Emergency fund", as authorized by the Act of June 26, 1948 (43 U.S.C. 502), to remain available until expended for the purposes specified in said Act, $1,000,000, to be derived from the reclamation fund.

For the "Emergency fund" for the period July 1, 1976, through September 30, 1976, to remain available until expended, $200,000, to be derived from the reclamation fund.

GENERAL ADMINISTRATIVE EXPENSES

For necessary expenses of general administration and related functions in the offices of the Commissioner of Reclamation and in the regional offices of the Bureau of Reclamation, $21,290,000, to be derived from the reclamation fund and to be nonreimbursable pursuant to the Act of April 19, 1945 (43 U.S.C. 377): *Provided*, That no part of any other appropriation in this Act shall be available for activities or functions budgeted for the current fiscal year as general administrative expenses.

For "General administrative expenses" for the period July 1, 1976, through September 30, 1976, to be derived from the reclamation fund $5,600,000.

SPECIAL FUNDS

Sums herein referred to as being derived from the Reclamation fund, the Colorado River Dam fund, or the Colorado River development fund, are appropriated from the special funds in the Treasury created by the Act of June 17, 1902 (43 U.S.C. 391), the Act of December 21, 1928 (43 U.S.C. 617a), and the Act of July 19, 1940 (43 U.S.C. 618a) respectively. Such sums shall be transferred, upon request of the Secretary, to be merged with and expended under the heads herein specified; and the unexpended balances of sums transferred for expenditure under the heads "Operation and Maintenance" and "General Administrative Expenses" shall revert and be credited to the special fund from which derived.

ADMINISTRATIVE PROVISIONS

Appropriations for the Bureau of Reclamation shall be available for purchase of not to exceed twenty-nine passenger motor vehicles for replacement only; purchase of two aircraft; payment of claims for damages to or loss of property, personal injury, or death arising out of activities of the Bureau of Reclamation; payment, except as otherwise provided for, of compensation and expenses of persons on the rolls of the Bureau of Reclamation appointed as authorized by law to represent the United States in the negotiations and administration of interstate compacts without reimbursement or return under the

reclamation laws; rewards for information or evidence concerning violations of law involving property under the jurisdiction of the Bureau of Reclamation; performance of the functions specified under the head "Operation and Maintenance Administration", Bureau of Reclamation, in the Interior Department Appropriation Act, 1945; preparation and dissemination of useful information including recordings, photographs, and photographic prints; and studies of recreational uses of reservoir areas, and investigation and recovery of archeological and paleontological remains in such areas in the same manner as provided for in the Act of August 21, 1935 (16 U.S.C. 461–467): *Provided*, That no part of any appropriation made herein shall be available pursuant to the Act of April 19, 1945 (43 U.S.C. 377), for expenses other than those incurred on behalf of specific reclamation projects except "General Administrative Expenses" and amounts provided for reconnaissance, basin surveys, and general engineering and research under the head "General Investigations". 58 Stat. 487.

Sums appropriated herein which are expended in the performance of reimbursable functions of the Bureau of Reclamation shall be returnable to the extent and in the manner provided by law.

No part of any appropriation for the Bureau of Reclamation, contained in this Act or in any prior Act, which represents amounts earned under the terms of a contract but remaining unpaid, shall be obligated for any other purpose, regardless of when such amounts are to be paid: *Provided*, That the incurring of any obligation prohibited by this paragraph shall be deemed a violation of section 3679 of the Revised Statutes, as amended (31 U.S.C. 665).

No funds appropriated to the Bureau of Reclamation for operation and maintenance, except those derived from advances by water users, shall be used for the particular benefits of lands (a) within the boundaries of an irrigation district, (b) of any member of a water users' organization, or (c) of any individual when such district, organization, or individual is in arrears for more than twelve months in the payment of charges due under a contract entered into with the United States pursuant to laws administered by the Bureau of Reclamation. 43 USC 377a.

Not to exceed $225,000 may be expended from the appropriation "Construction and Rehabilitation" for work by force account on any one project or Pick-Sloan Missouri Basin Program unit and then only when such work is unsuitable for contract or no acceptable bid has been received and, other than otherwise provided in this paragraph or as may be necessary to meet local emergencies, not to exceed 12 per centum of the construction allotment for any project from the appropriation "Construction and Rehabilitation" contained in this Act, shall be available for construction work by force account: *Provided*, That this paragraph shall not apply to work performed under the Rehabilitation and Betterment Act of 1949 (63 Stat. 724). 43 USC 504 and note.

Alaska Power Administration

GENERAL INVESTIGATIONS

For engineering and economic investigations to promote the development and utilization of the water, power, and related resources of Alaska, $652,000, to remain available until expended: *Provided*, That $30,000 of this appropriation shall be transferred to the United States Fish and Wildlife Service for studies, investigations, and reports thereon, as required by the Fish and Wildlife Coordination Act of 1958 (72 Stat. 563–565). 16 USC 661 note.

For "General investigations" for the period July 1, 1976, through September 30, 1976, $198,000, to remain available until expended.

OPERATION AND MAINTENANCE

For necessary expenses of operation and maintenance of projects in Alaska and of marketing electric power and energy, $837,500.

For "Operation and maintenance" for the period July 1, 1976, through September 30, 1976, $209,000.

BONNEVILLE POWER ADMINISTRATION FUND

16 USC 838 note.

Expenditures from the Bonneville Power Administration Fund, established pursuant to Public Law 93-454, are hereby specifically approved for construction of the following major transmission facilities: (a) transmission lines and related facilities to integrate generation into the main Bonneville Power Administration system from WPPSS No. 3 and No. 5 Nuclear Generating Plants near Satsop, Washington.

For the period July 1, 1976, through September 30, 1976, expenditures at a rate not greater than the quarterly rate provided for fiscal year 1976 are hereby approved.

SOUTHEASTERN POWER ADMINISTRATION

OPERATION AND MAINTENANCE

For necessary expenses of operation and maintenance of power transmission facilities and of marketing electric power and energy pursuant to the provisions of section 5 of the Flood Control Act of 1944 (16 U.S.C. 825s), as applied to the southeastern power area, $1,000,000.

For "Operation and maintenance" for the period July 1, 1976, through September 30, 1976, $257,000.

SOUTHWESTERN POWER ADMINISTRATION

CONSTRUCTION

For construction and acquisition of transmission lines, substations, and appurtenant facilities, and for administrative expenses connected therewith, in carrying out the provisions of section 5 of the Flood Control Act of 1944 (16 U.S.C. 825s), as applied to the southwestern power area, $680,000, to remain available until expended.

For "Construction" for the period July 1, 1976, through September 30, 1976, $125,000, to remain available until expended.

OPERATION AND MAINTENANCE

For necessary expenses of operation and maintenance of power transmission facilities and of marketing electric power and energy pursuant to the provisions of section 5 of the Flood Control Act of 1944 (16 U.S.C. 825s), as applied to the southwestern power area, including purchase of not to exceed one passenger motor vehicle for replacement only, $6,000,000.

For "Operation and maintenance" for the period July 1, 1976, through September 30, 1976, $1,850,000.

GENERAL PROVISIONS—DEPARTMENT OF THE INTERIOR

Emergency reconstruction.

SEC. 301. Appropriations in this title shall be available for expenditure or transfer (within each bureau or office), with the approval of the Secretary, for the emergency reconstruction, replacement, or repair of aircraft, buildings, utilities, or other facilities or equipment damaged or destroyed by fire, flood, storm, or other unavoidable causes: *Provided*, That no funds shall be made available under this authority until funds specifically made available to the Department of the Interior for emergencies shall have been exhausted.

Fire prevention.

SEC. 302. The Secretary may authorize the expenditure or transfer (within each bureau or office) of any appropriation in this title, in addition to the amounts included in the budget programs of the several agencies, for the suppression or emergency prevention of forest or range fires on or threatening lands under jurisdiction of the Department of the Interior.

Warehouses, garages, and shops.

SEC. 303. Appropriations in this title shall be available for operation of warehouses, garages, shops, and similar facilities, wherever consolidation of activities will contribute to efficiency, or economy, and said appropriations shall be reimbursed for services rendered to any other activity in the same manner as authorized by the Act of June 30, 1932 (31 U.S.C. 686): *Provided*, That reimbursements for costs of supplies, materials, and equipment, and for services rendered may be credited to the appropriation current at the time such reimbursements are received.

Southwestern Power Administration.

SEC. 304. No part of any funds made available by this Act to the Southwestern Power Administration may be made available to any other agency, bureau, or office for any purposes other than for services rendered pursuant to law to the Southwestern Power Administration.

TITLE IV—INDEPENDENT OFFICES

APPALACHIAN REGIONAL COMMISSION

SALARIES AND EXPENSES

For necessary expenses of the activities of the Federal Cochairman and his alternate on the Appalachian Regional Commission and for payment of the Federal share of the administrative expenses of the commission, including services as authorized by 5 U.S.C. 3109, and hire of passenger motor vehicles, as specified in section 105 of the Appalachian Regional Development Act of 1965, as amended (40 App. U.S.C. 105), which activities are hereby authorized pending the enactment of H.R. 4073 or similar authorizing legislation, $1,830,000.

Post, p. 1079

For "Salaries and expenses" for the period July 1, 1976, through September 30, 1976, $480,000.

42 USC 3181 note.

FUNDS APPROPRIATED TO THE PRESIDENT

APPALACHIAN REGIONAL DEVELOPMENT PROGRAMS

For expenses necessary to carry out the activities specified in the Appalachian Regional Development Act of 1965, as amended, 40 App. U.S.C. 2-405, except expenses authorized by section 105 of said Act,

including services as authorized by 5 U.S.C. 3109, and hire of passenger motor vehicles, to remain available until expended, which activities are hereby authorized pending the enactment of H.R. 4073 or similar authorizing legislation, $288,200,000, of which $162,200,000 shall be available for the Appalachian Development Highway System, but no part of any appropriation in this Act shall be available for expenses in connection with commitments for contracts or grants for the Appalachian Development Highway System in excess of the total amount herein and heretofore appropriated.

Post, p. 1079.
42 USC 3181 note.

For "Appalachian regional development programs" for the period July 1, 1976, through September 30, 1976, $50,000,000, of which $37,500,000 shall be available for the Appalachian Development Highway System.

DELAWARE RIVER BASIN COMMISSION

SALARIES AND EXPENSES

For expenses necessary to carry out the functions of the United States member of the Delaware River Basin Commission, as authorized by law (75 Stat. 716), $79,000.

For "Salaries and expenses" for the period July 1, 1976, through September 30, 1976, $19,000.

CONTRIBUTION TO DELAWARE RIVER BASIN COMMISSION

For payment of the United States share of the current expenses of the Delaware River Basin Commission, as authorized by law (75 Stat. 706, 707), $215,000.

For "Contribution to Delaware River Basin Commission" for the period July 1, 1976, through September 30, 1976, $53,000.

FEDERAL POWER COMMISSION

SALARIES AND EXPENSES

For expenses necessary for the work of the Commission, as authorized by law, including hire of passenger motor vehicles, services as authorized by 5 U.S.C. 3109, and not to exceed $1,000 for official reception and representation expenses, $35,610,000.

For "Salaries and expenses" including hire of passenger motor vehicles, services as authorized by 5 U.S.C. 3109, and not to exceed $250 for official reception and representation expenses, for the period July 1, 1976, through September 30, 1976, $8,558,000.

INTERSTATE COMMISSION ON THE POTOMAC RIVER BASIN

CONTRIBUTION TO INTERSTATE COMMISSION ON THE POTOMAC RIVER BASIN

To enable the Secretary of the Treasury to pay in advance to the Interstate Commission on the Potomac River Basin the Federal contribution toward the expenses of the Commission during the current fiscal year in the administration of its business in the conservancy district established pursuant to the Act of July 11, 1940 (54 Stat. 748), as amended by the Act of September 25, 1970 (Public Law 91-407), $52,000.

33 USC 567b-1.

For "Contribution to Interstate Commission on the Potomac River Basin" for period July 1, 1976, through September 30, 1976, $13,000.

NUCLEAR REGULATORY COMMISSION

SALARIES AND EXPENSES

For necessary expenses of the Commission in carrying out the purposes of the Energy Reorganization Act of 1974, including the employment of aliens; services authorized by 5 U.S.C. 3109; publication and dissemination of atomic information; purchase, repair, and cleaning of uniforms; official entertainment expenses (not to exceed $7,000); reimbursement of the General Services Administration for security guard services; hire of passenger motor vehicles and aircraft; $215,423,000: *Provided*, That from this appropriation, transfers of sums may be made to other agencies of the Government for the performance of the work for which this appropriation is made, and in such cases the sums so transferred may be merged with the appropriation to which transferred. 42 USC 5801 note.

For "Salaries and expenses" in accordance with the above provisions for the period July 1, 1976, through September 30, 1976, $51,425,000.

SUSQUEHANNA RIVER BASIN COMMISSION

SALARIES AND EXPENSES

For expenses necessary to carry out the functions of the United States member of the Susquehanna River Basin Commission, as authorized by law (84 Stat. 1541), $79,000.

For "Salaries and expenses" for the period July 1, 1976, through September 30, 1976, $19,000.

CONTRIBUTION TO SUSQUEHANNA RIVER BASIN COMMISSION

For payment of the United States share of the current expenses of the Susquehanna River Basin Commission, as authorized by law (84 Stat. 1530, 1531), $150,000.

For "Contribution to Susquehanna River Basin Commission" for the period July 1, 1976, through September 30, 1976, $38,000.

TENNESSEE VALLEY AUTHORITY

PAYMENT TO TENNESSEE VALLEY AUTHORITY FUND

For the purpose of carrying out the provisions of the Tennessee Valley Authority Act of 1933, as amended (16 U.S.C., ch. 12A), including hire, maintenance, and operation of aircraft, and hire of passenger motor vehicles, $100,025,000, to remain available until expended: *Provided*, That this appropriation and other funds available to the Tennessee Valley Authority shall be available for the purchase of not to exceed one aircraft for replacement only, and the purchase of not to exceed two hundred and thirty-five passenger motor vehicles for replacement only. 16 USC 831.

For "Payment to the Tennessee Valley Authority fund" for the period July 1, 1976, through September 30, 1976, $30,550,000, to remain available until expended, and include hire, maintenance, and operation of aircraft, and hire of passenger motor vehicles.

WATER RESOURCES COUNCIL

WATER RESOURCES PLANNING

For expenses necessary in carrying out the provisions of the Water Resources Planning Act of 1965 (42 U.S.C. 1962—1962d–3), including services as authorized by 5 U.S.C. 3109, but at rates not to exceed $100 per diem for individuals (42 U.S.C. 1962a–4(5), and 42 U.S.C. 1962a–4(5), and hire of passenger motor vehicles (42 U.S.C. 1962a–4(6)), $10,722,000, to remain available until expended, including $1,300,000, for carrying out the provisions of title I and administering the provisions of titles II, III, and IV of the Act (42 U.S.C. 1962d(b)), $2,765,000, for preparation of assessments and plans (42 U.S.C. 1962d(c)), $303,000, for preparation of plans (33 U.S.C. 1289), $1,354,000, for expenses of river basin commissions under title II of the Act (42 U.S.C. 1962d(a)), and $5,000,000 for grants to States under title III of the Act (42 U.S.C. 1962c(a)): *Provided*, That the share of the expenses of any river basin commission borne by the Federal Government pursuant to title II of the Act shall not exceed $250,000 annually for recurring operating expenses, including the salary and expenses of the chairman.

For "Water resources planning" for the period July 1, 1976, through September 30, 1976, $2,350,000.

TITLE V—GENERAL PROVISIONS

Fiscal year limitation.

SEC. 501. No part of any appropriation contained in this Act shall remain available for obligation beyond the current fiscal year unless expressly so provided herein, except as provided by section 204 of Public Law 93–554.

Standard level user charge, limitation.

SEC. 502. No part of any appropriation contained in this Act shall be available for paying to the Administrator of the General Services Administration in excess of 90 per centum of the standard level user charge established pursuant to section 210(j) of the Federal Property and Administrative Services Act of 1949, as amended, for space and services.

40 USC 490.

Short title.

This Act may be cited as the "Public Works for Water and Power Development and Energy Research Appropriation Act, 1976".

Approved December 26, 1975.

LEGISLATIVE HISTORY:

HOUSE REPORTS: No. 94–319 (Comm. on Appropriations) and No. 94–711 (Comm. of Conference).

SENATE REPORT No. 94–505 (Comm. on Appropriations).

CONGRESSIONAL RECORD, Vol. 121 (1975):

June 24, considered and passed House.

Dec. 5, considered and passed Senate, amended.

Dec. 12, House and Senate agreed to conference report.

Public Law 94-181
94th Congress

An Act

To amend the Small Reclamation Projects Act of 1956, as amended.

Dec. 27, 1975
[H.R. 6874]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, the Small Reclamation Projects Act of 1956 (70 Stat. 1044) as amended, is further amended as follows:

Small Reclamation Projects Act of 1956, amendments.

(a) Subsection 2(d) of the Act, as amended, is further amended to read as follows:

43 USC 422k.

"(d) The term 'project' shall mean (i) any complete irrigation project, or (ii) any multiple-purpose water resource project that is authorized or is eligible for authorization under the Federal reclamation laws, or (iii) any distinct unit of a project described in clause (i) and (ii) or (iv) any project for the drainage of irrigated lands, without regard to whether such lands are irrigated with water supplies developed pursuant to the Federal reclamation laws, or (v) any project for the rehabilitation and betterment of a project or distinct unit described in clauses (i), (ii), (iii), and (iv): *Provided*, That the estimated total cost of the project described in clause (i), (ii), (iii), (iv), or (v) does not exceed the maximum allowable estimated total project cost as determined by subsection (f) hereof: *Provided further*, That a project described in clause (i), (ii), or (iii) may consist of existing facilities as distinct from newly constructed facilities, and funds made available pursuant to this Act may be utilized to acquire such facilities subject to a determination by the Secretary that such facilities meet standards of design and construction which he shall promulgate and that the cost of such existing facilities represent less than fifty per centum of the cost of the project. Nothing contained in this Act shall preclude the making of more than one loan or grant, or combined loan and grant, to an organization so long as no two such loans or grants, or combinations thereof, are for the same project, as herein defined.".

"Project."
43 USC 422b.

(b) Section 2, as amended, is further amended by adding a new subsection (f) as follows:

Project cost, maximum amount.

"(f) The maximum allowable estimated total project cost of a proposal submitted during any given calendar year shall be determined by the Secretary using the Bureau of Reclamation composite construction cost index for January of that year with $15,000,000 as the January 1971 base.".

(c) Section 4, as amended, is further amended by adding a new subsection (d) as follows:

Project proposal, submittal to Congress.
43 USC 422d.

"(d) At the time of his submitting the project proposal to the Congress, or at any subsequent time prior to completion of construction of the project, including projects heretofore approved, the Secretary may increase the amount of the requested loan and/or grant to an amount within the maximum allowed by subsection (a) of section 5 of the Act as herein amended, to compensate for increases in construction costs due to price escalation.".

43 USC 422e.

43 USC 422d. (d) Section 4, as amended, is further amended by changing subsection (d) to subsection (e) and by changing the reference in the last sentence of the renumbered subsection from (d) to (e).

(e) Section 4, as amended, is further amended by changing subsection (e) to subsection (f).

43 USC 422e. (f) Subsection 5(a), as amended, is further amended by deleting "$10,000,000 or" and inserting in lieu thereof the following: "two-thirds of the maximum allowable estimated total project cost as determined by subsection (f) of section 2, or".

43 USC 422b. 43 USC 422j. (g) Section 10, as amended, is further amended by deleting "$300,000,000" and inserting in lieu thereof the amount of "$400,000,000".

Approved December 27, 1975.

LEGISLATIVE HISTORY:

HOUSE REPORT No. 94-505 (Comm. on Interior and Insular Affairs).
SENATE REPORT No. 94-544 (Comm. on Interior and Insular Affairs).
CONGRESSIONAL RECORD, Vol. 121 (1975):
Oct. 6, considered and passed House.
Dec. 16, considered and passed Senate.

Public Law 94-182
94th Congress

An Act

To amend title XVIII of the Social Security Act, and for other purposes.

Dec. 31, 1975
[H.R. 10284]

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

Medicare; food stamp distribution; irrigation dams, taxes.

TITLE I—PROVISIONS RELATING TO HEALTH SERVICES

PREVAILING CHARGE LEVEL FOR FISCAL YEAR 1976

SEC. 101. (a) Section 1842(b)(3) of the Social Security Act is amended by adding at the end thereof the following new sentence: "Notwithstanding the provisions of the third and fourth sentences preceding this sentence, the prevailing charge level in the case of a physician service in a particular locality determined pursuant to such third and fourth sentences for the fiscal year beginning July 1, 1975, shall, if lower than the prevailing charge level for the fiscal year ending June 30, 1975, in the case of a similar physician service in the same locality by reason of the application of economic index data, be raised to such prevailing charge level for the fiscal year ending June 30, 1975.". 42 USC 1395u.

(b) The amendment made by subsection (a) shall be applicable with respect to claims filed under part B of title XVIII of the Social Security Act with a carrier designated pursuant to section 1842 of such Act and processed by such carrier after the appropriate changes were made in the prevailing charge levels for the fiscal year beginning July 1, 1975, on the basis of economic index data under the third and fourth sentences of section 1842(b)(3) of such Act; except that (1) if less than the correct amount was paid (after the application of subsection (a) of this section) on any claim processed prior to the enactment of this section, the correct amount shall be paid by such carrier at such time (not exceeding 6 months after the date of the enactment of this section) as is administratively feasible, and (2) no such payment shall be made on any claim where the difference between the amount paid and the correct amount due is less than $1. 42 USC 1395u note. 42 USC 1395j.

EXTENSION OF AUTHORITY TO WAIVE 24-HOUR NURSING SERVICE REQUIREMENT FOR CERTAIN RURAL HOSPITALS

SEC. 102. Section 1861(e)(5) of the Social Security Act is amended by striking out "January 1, 1976" and inserting in lieu thereof "January 1, 1979". 42 USC 1395x.

COORDINATION BETWEEN MEDICARE AND FEDERAL EMPLOYEES' HEALTH BENEFITS PROGRAM

SEC. 103. Section 1862(c) of the Social Security Act is repealed. Repeal. 42 USC 1395y.

TECHNICAL AMENDMENT RELATING TO PART B PREMIUM DETERMINATIONS

42 USC 1395r.

SEC. 104. (a) Section 1839(c)(3) of the Social Security Act is amended by striking out "June 1" each place it appears and inserting in lieu thereof "May 1".

Effective date. 42 USC 1395r note.

(b) The amendments made by subsection (a) shall apply with respect to determinations made under section 1839(c)(3) of the Social Security Act after the date of the enactment of this Act.

PROFESSIONAL STANDARDS REVIEW AREAS

Poll. 42 USC 1320c-1.

SEC. 105. Section 1152 of the Social Security Act is amended by adding at the end thereof the following new subsection:

"(g)(1) In any case in which the Secretary has established, within a State, two or more appropriate areas with respect to which Professional Standards Review Organizations may be designated, he shall, prior to designating a Professional Standards Review Organization for any such area, conduct in each such area a poll in which the doctors of medicine and doctors of osteopathy engaged in active practice therein will be asked: 'Do you support a change from the present local and regional Professional Standards Review Organization area designations to a single statewide area designation?'. If, in each such area, more than 50 per centum of the doctors responding to such question respond in the affirmative, then the Secretary shall establish the entire State as a single Professional Standards Review Organization area.

"(2) The provisions of paragraph (1) shall not be applicable with respect to the designation of Professional Standards Review Organization areas in any State, if, prior to the date of enactment of this subsection, the Secretary has entered into an agreement (on a conditional basis or otherwise) with an organization designating it as the Professional Standards Review Organization for any area in the State.".

UPDATING OF THE LIFE SAFETY REQUIREMENTS APPLICABLE TO NURSING HOMES

42 USC 1395x.

SEC. 106. (a) Section 1861(j)(13) of the Social Security Act is amended by striking out "(21st edition, 1967)" and inserting in lieu thereof "(23d edition, 1973)".

Effective date. 42 USC 1395x note.

(b) Subject to subsection (c), the amendment made by subsection (a) shall be effective on the first day of the sixth month which begins after the date of enactment of this Act.

(c) Any institution (or part of an institution) which complied with the requirements of section 1861(j)(13) of the Social Security Act on the day preceding the first day referred to in subsection (b) shall, so long as such compliance is maintained (either by meeting the applicable provisions of the Life Safety Code (21st edition, 1967), with or without waivers of specific provisions, or by meeting the applicable provisions of a fire and safety code imposed by State law as provided for in such section 1861(j)(13)), be considered (for purposes of titles XVIII and XIX of such Act) to be in compliance with the requirements of such section 1861(j)(13), as it is amended by subsection (a) of this section.

42 USC 1395, 1396.

GRANTS FOR CERTAIN EXPERIMENTS AND DEMONSTRATION PROJECTS

SEC. 107. Nothing contained in section 222(a) of Public Law 92-603 shall be construed to preclude or prohibit the Secretary of Health, Education, and Welfare from including in any grant otherwise authorized to be made under such section moneys which are to be used for payments, to a participant in a demonstration or experiment with respect to which the grant is made, for or on account of costs incurred or services performed by such participant for a period prior to the date that the project of such participant is placed in operation, if— 42 USC 1395f note.

(1) the applicant for such grant is a State or an agency thereof,

(2) such participant is an individual practice association which has been in existence for at least 3 years prior to the date of enactment of this section and which has in effect a contract with such State (or an agency thereof), entered into prior to the date on which the grant is approved by the Secretary, under which such association will, for a period which begins before and ends after the date such grant is so approved, provide health care services for individuals entitled to care and services under the State plan of such State which is approved under title XIX of the Social Security Act, 42 USC 1396.

(3) the purpose of the inclusion of the project of such association is to test the utility of a particular rate-setting methodology, designed to be employed in prepaid health plans, in an individual practice association operation, and

(4) the applicant for such grant affirms that the use of moneys from such grant to make such payments to such individual practice association is necessary or useful in assuring that such association will be able to continue in operation and carry out the project described in clause (3).

PROFESSIONAL STANDARDS REVIEW ORGANIZATION STARTUP DEADLINE

SEC. 108. (a) Subsections (c)(1) and (f)(1) of section 1152 of the Social Security Act are each amended by striking out "January 1, 1976" and inserting in lieu thereof "January 1, 1978". 42 USC 1320c-1.

(b) The amendments made by subsection (a) shall not apply in any area designated in accordance with section 1152(a)(1) of the Social Security Act where— 42 USC 1320c-1 note.

(1) the membership association or organization representing the largest number of doctors of medicine in such area, or in the State in which such area is located if different, has adopted by resolution or other official procedure a formal policy position of opposition to or noncooperation with the established program of professional standards review; or

(2) the organization proposed to be designated by the Secretary under section 1152 of such Act has been negatively voted upon in accordance with the provisions of subsection (f)(2) thereof.

STUDY REGARDING COVERAGE UNDER PART B OF MEDICARE FOR CERTAIN SERVICES PROVIDED BY OPTOMETRISTS

SEC. 109. The Secretary of Health, Education, and Welfare shall conduct a study of, and submit to the Congress not later than 4 months after the date of enactment of this section a report containing his findings and recommendations with respect to, the appropriateness of reimbursement under the insurance program established by part B of Study, report to Congress. 42 USC 1395j note.

42 USC 1395j.

title XVIII of the Social Security Act for services performed by doctors of optometry but not presently recognized for purposes of reimbursement with respect to the provision of prosthetic lenses for patients with aphakia.

UTILIZATION REVIEW UNDER MEDICAID

42 USC 1396b.

SEC. 110. (a) Section 1903(g)(1)(C) of the Social Security Act is amended to read as follows:

42 USC 1396a.

"(C) such State has in effect a continuous program of review of utilization pursuant to section 1902(a)(30) whereby each admission is reviewed or screened in accordance with criteria established by medical and other professional personnel who are not themselves directly responsible for the care of the patient involved, and who do not have a significant financial interest in any such institution and are not, except in the case of a hospital, employed by the institution providing the care involved; and the information developed from such review or screening, along with the data obtained from prior reviews of the necessity for admission and continued stay of patients by such professional personnel, shall be used as the basis for establishing the size and composition of the sample of admissions to be subject to review and evaluation by such personnel, and any such sample may be of any size up to 100 per centum of all admissions and must be of sufficient size to serve the purpose of (i) identifying the patterns of care being provided and the changes occurring over time in such patterns so that the need for modification may be ascertained, and (ii) subjecting admissions to early or more extensive review where information indicates that such consideration is warranted; and".

Effective date. 42 USC 1396b note.

(b) The amendment made by subsection (a) shall take effect on the first day of the first calendar month which begins not less than 90 days after the date of enactment of this Act.

CONSENT BY STATES TO CERTAIN SUITS

42 USC 1396a.

SEC. 111. (a) Section 1902 of the Social Security Act is amended by adding at the end thereof the following new subsection:

"(g) Notwithstanding any other provision of this title, a State plan for medical assistance must include a consent by the State to the exercise of the judicial power of the United States in any suit brought against the State or a State officer by or on behalf of any provider of

42 USC 1395x.

services (as defined in section 1861(u)) with respect to the application of subsection (a)(13)(D) to services furnished under such plan after June 30, 1975, and a waiver by the State of any immunity from such a

USC prec. title 1.

suit conferred by the 11th amendment to the Constitution or otherwise."

42 USC 1396b.

(b) Section 1903 of such Act is amended by adding at the end thereof the following new subsection:

"(l) Notwithstanding any other provision of this section, the amount payable to any State under this section with respect to any quarter beginning after December 31, 1975, shall be reduced by 10 per centum of the amount determined with respect to such quarter under the preceding provisions of this section if such State is found by the Secretary not to be in compliance with section 1902(g)."

Supra.

Effective date. 42 USC 1396a note.

(c) The amendments made by this section shall (except as otherwise provided therein) become effective January 1, 1976.

UTILIZATION REVIEW ACTIVITIES

SEC. 112. (a)(1) Section 1861(w) of the Social Security Act is amended— 42 USC 1395x.

(A) by inserting "(1)" immediately after "(w)", and

(B) by adding at the end thereof the following new paragraph:

"(2) Utilization review activities conducted, in accordance with the requirements of the program established under part B of title XI of the Social Security Act with respect to services furnished by a hospital to patients insured under part A of this title or entitled to have payment made for such services under a State plan approved under title V or XIX, by a Professional Standards Review Organization designated for the area in which such hospital is located shall be deemed to have been conducted pursuant to arrangements between such hospital and such organization under which such hospital is obligated to pay to such organization, as a condition of receiving payment for hospital services so furnished under this part or under such a State plan, such amount as is reasonably incurred and requested (as determined under regulations of the Secretary) by such organization in conducting such review activities with respect to services furnished by such hospital to such patients.". 42 USC 1320c. 42 USC 1395c. 42 USC 701, 1396.

(2) Section 1815 of such Act is amended— Payment to provider of services. 42 USC 1395g.

(A) by inserting "(a)" immediately after "SEC. 1815.", and

(B) by adding at the end thereof the following new subsection:

"(b) No payment shall be made to a provider of services which is a hospital for or with respect to services furnished by it for any period with respect to which it is deemed, under section 1861(w)(2), to have in effect an arrangement with a Professional Standards Review Organization for the conduct of utilization review activities by such organization unless such hospital has paid to such organization the amount due (as determined pursuant to such section) to such organization for the review activities conducted by it pursuant to such arrangements or such hospital has provided assurances satisfactory to the Secretary that such organization will promptly be paid the amount so due to it from the proceeds of the payment claimed by the hospital. Payment under this title for utilization review activities provided by a Professional Standards Review Organization pursuant to an arrangement or deemed arrangement with a hospital under section 1861(w)(2) shall be calculated without any requirement that the reasonable cost of such activities be apportioned among the patients of such hospital, if any, to whom such activities were not applicable.". *Supra.*

(c) Section 1168 of such Act is amended by adding at the end thereof the following new sentence: "The Secretary shall make such transfers of moneys between the funds, referred to in clauses (a), (b), and (c) of the preceding sentence, as may be appropriate to settle accounts between them in cases where expenses properly payable from the funds described in one such clause have been paid from funds described in another of such clauses.". Transfer of funds. 42 USC 1320c-17.

(d) The amendments made by this section shall be effective with respect to utilization review activities conducted on and after the first day of the first month which begins more than 30 days after the date of enactment of this Act. Effective date. 42 USC 1395x note.

TITLE II—PROVISIONS RELATING TO FOOD STAMPS PROVIDED TO AFDC FAMILIES

FOOD STAMP DISTRIBUTION TO AFDC FAMILIES

7 USC 2019 note.

SEC. 201. Notwithstanding any other provision of law, the final date for compliance with regulations in implementation of section 10(e)(7) of the Food Stamp Act of 1964, as amended, may be extended until October 1, 1976.

7 USC 2019.

TITLE III—INTERNAL REVENUE CODE AMENDMENT

CERTAIN IRRIGATION DAMS

26 USC 103.

SEC. 301. (a) Section 103 of the Internal Revenue Code of 1954 (relating to interest on certain governmental obligations) is amended by redesignating subsection (e) as subsection (f) and by inserting after subsection (d) the following new subsection:

"(e) CERTAIN IRRIGATION DAMS.—A dam for the furnishing of water for irrigation purposes which has a subordinate use in connection with the generation of electric energy by water shall be treated as meeting the requirements of subsection (c)(4)(G) if—

"(1) substantially all of the stored water is contractually available for release from such dam for irrigation purposes, and

"(2) the water so released is available on reasonable demand to members of the general public.".

Effective date.
26 USC 103 note.

(b) The amendment made by subsection (a) shall apply to obligations issued after the date of the enactment of this Act.

Approved December 31, 1975.

LEGISLATIVE HISTORY:

HOUSE REPORT No. 94-626 (Comm. on Ways and Means).
SENATE REPORT No. 94-549 (Comm. on Finance).
CONGRESSIONAL RECORD, Vol. 121 (1975):
Nov. 17, considered and passed House.
Dec. 17, considered and passed Senate, amended.
Dec. 18, 19, House concurred in Senate amendments with an amendment.
Dec. 19, Senate concurred in House amendment.

Public Law 94-183
94th Congress

An Act

To amend chapter 83 of title 5, United States Code, to establish time limitations in applying for civil service retirement benefits, and for other purposes.

Dec. 31, 1975
[H.R. 4573]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 8345 of title 5, United States Code, is amended by adding the following new subsection at the end thereof:

Civil service retirement benefits.
Applications, time limitations.

"(h)(1) No payment shall be made from the Fund unless an application for benefits based on the service of an employee or Member is received in the Civil Service Commission before the one hundred and fifteenth anniversary of his birth.

"(2) Notwithstanding paragraph (1) of this subsection, after the death of an employee, Member, or annuitant, no benefit based on his service shall be paid from the Fund unless an application therefor is received in the Civil Service Commission within 30 years after the death or other event which gives rise to title to the benefit.".

SEC. 2. Title 5, United States Code, is amended as follows:

(1) In section 302(b)(2) strike out "324" and insert "3702" in place thereof;

(2) In section 552a(g)(5) strike out "to the effective date of this section" and insert in lieu thereof "to September 27, 1975";

(3) In section 2902(b) strike out "the Postmaster General,";

(4) In section 3351 strike out ", except an appointment made under section 3311 of title 39";

(5) In section 3363 strike out ", except an appointment made under section 3311 of title 39";

(6) Strike out section 3364; Repeal.

(7) In the analysis of chapter 33 strike out item 3364;

(8) In section 3501(b) strike out ", except an employee whose appointment is made under section 3311 to title 39";

(9) In section 3581(5)(A) strike out "3582(a)" and insert "3582(b)" in place thereof;

(10) In the last sentence of section 3582(b) strike out "on or after the date of enactment of the Foreign Assistance Act of 1969" and insert "after December 29, 1969" in place thereof;

(11) In section 4102(a)(2)(B) strike out "(except a Posmaster)";

(12) In section 5102(c)(5) strike out "White House Police" and insert "Executive Protective Service" in place thereof;

(13) In section 5102(c)(9) strike out "40" and insert "305" in place thereof;

(14) In section 5108(c)(11) strike out "twenty two" and insert in lieu thereof "twenty-five";

(15) In section 5108(c) redesignate paragraphs (11) through (14) as paragraphs (11) through (16), respectively;

(16) In section 5303(c) strike out "and section 3552 of title 39";

(17) In section 5314 redesignate paragraphs (53) through (61) as paragraphs (53) through (63), respectively;

(18) In section 5315 redesignate paragraphs (91) through (104) as paragraphs (91) through (107), respectively;

5 USC 5316.

(19) In section 5316 redesignate paragraphs (131) through (136) as paragraphs (131) through (139), respectively;

(20) In section 5365 strike out "(a)";

(21) In section 5533(d)(7) strike out subparagraph (F) and redesignate subparagraphs (G) and (H) as (F) and (G), respectively;

(22) In section 5541(2)(iv) strike out "White House Police" and insert "Executive Protective Service" in place thereof;

(23) In the catchline of section 5545 strike out "SUNDAY,";

(24) In the analysis of chapter 55 strike out "Sunday," in item 5545;

(25) In section 6101(a)(4) strike out "education" and insert "educational" in place thereof;

Repeal.

(26) Strike out section 6309;

(27) In the analysis of chapter 63 strike out item 6309;

(28) In section 6324(a) strike out "White House Police" and insert "Executive Protective Service" in place thereof;

(29) In section 6324(b)(3) strike out "White House Police" and insert "Executive Protective Service" in place thereof;

(30) In section 7511(1) strike out ", except an employee whose appointment is made under section 3311 of title 39";

(31) In section 8193 redesignate subsection (e), the second time it appears, as subsection (f);

(32) In section 8332(b)(8) strike out "on or after February 19, 1929, and prior to the effective date of section 442 of the Legislative Reorganization Act of 1970" and insert "after February 18, 1929, and before noon on January 3, 1971" in place thereof;

(33) In section 8332(b)(9) strike out "8339(h)" and insert "8339(i)" in place thereof;

(34) In section 8333(c)—

(A) strike out "of title 5" and insert "of this title" in place thereof;

(B) strike out "of this chapter" and insert "of this title" in place thereof;

(35) In section 8340(c)(3) strike out "on or after the first day of the first month that begins on or after the date of enactment of the Civil Service Retirement Amendments of 1969" and insert "after October 31, 1969" in place thereof;

(36) In section 8341(c) strike out "8339(k)" and insert "8339(k)(1)" in place thereof;

(37) In section 8348(h)(2) strike out "thirty" and insert "30" in place thereof;

"Average pay."

(38) Amend section 8331(4) to read as follows:

"(4) 'average pay' means the largest annual rate resulting from averaging an employee's or Member's rates of basic pay in effect over any 3 consecutive years of creditable service or, in the case of an annuity under subsection (d) or (e)(1) of section 8341 of this title based on service of less than 3 years, over the total service, with each rate weighted by the time it was in effect;";

(39) In section 8332(b)(7) strike out "(—U.S.C.—)"; 5 USC 8332.

(40) In section 8336(d) strike out "a reduced" and insert "an" in place thereof;

(41) In the last sentence of section 8336(g) strike out "a reduced" and insert "an" in place thereof;

(42) In the analysis of chapter 85 strike out item 8524 and insert in lieu thereof the following:

"8524. Repealed.

and

(43) In section 8902 redesignate subsection (j), as added by the Act of July 30, 1974 (Public Law 93-363, 88 Stat. 398), as subsection (k).

Approved December 31, 1975.

LEGISLATIVE HISTORY:

HOUSE REPORT No. 94-252 (Comm. on Post Office and Civil Service).
SENATE REPORT No. 94-540 (Comm. on Post Office and Civil Service).
CONGRESSIONAL RECORD, Vol. 121 (1975):
July 21, considered and passed House.
Dec. 15, considered and passed Senate, amended.
Dec. 18, House concurred in Senate amendments.

Public Law 94–184
94th Congress

An Act

Dec. 31, 1975
[H.R. 7862]

To amend the Farm Credit Act of 1971 relating to credit eligibility for cooperatives serving agricultural producers, and to enlarge the access of production credit associations to Federal district courts.

Farm Credit Act of 1971, amendments.
12 USC 2001 note.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Farm Credit Act of 1971 (Public Law 92–181, 85 Stat. 583) is amended as follows:

12 USC 2129.

(a) Section 3.8(d) is amended by inserting after "80 per centum" the following: "(70 per centum in the case of rural electric, telephone, and public utility cooperatives)".

12 USC 2258.

(b) Section 5.24 is amended by striking out all after the first sentence.

Approved December 31, 1975.

LEGISLATIVE HISTORY:

HOUSE REPORT No. 94–609 (Comm. on Agriculture).
SENATE REPORT No. 94–554 (Comm. on Agriculture and Forestry).
CONGRESSIONAL RECORD, Vol. 121 (1975):
Nov. 4, considered and passed House.
Dec. 17, considered and passed Senate.

Public Law 94-185
94th Congress

An Act

To extend the Renegotiation Act of 1951 for nine months.

Dec. 31, 1975
[H.R. 11016]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 102(c)(1) of the Renegotiation Act of 1951 is amended by striking out "December 31, 1975" and inserting in lieu thereof "September 30, 1976".

50 USC app. 1212.

Approved December 31, 1975.

LEGISLATIVE HISTORY:

CONGRESSIONAL RECORD, Vol. 121 (1975):
Dec. 15, considered and passed House.
Dec. 17, considered and passed Senate, amended.
Dec. 18, House concurred in Senate amendments.

Public Law 94–186
94th Congress

Joint Resolution

Dec. 31, 1975
[H.J. Res. 749]

To provide for the beginning of the second session of the Ninety-fourth Congress and for other purposes.

94th Congress. Second session.

Resolved by the Senate and House of Representatives of the United States of America in Congress Assembled, That the second regular session of the Ninety-fourth Congress shall begin at noon on Monday, January 19, 1976.

Reports to Congress.

SEC. 2. That (a) notwithstanding the provisions of section 201 of the Act of June 10, 1922, as amended (31 U.S.C. section 11), the President shall transmit to the Congress not later than January 21, 1976, the budget for the fiscal year 1977, and (b) notwithstanding the provisions of section 3 of the Act of February 20, 1946, as amended (15 U.S.C. section 1022), the President shall transmit to the Congress not later than January 26, 1976, the Economic Report, and (c) notwithstanding the provisions of clause (3) of section 5(b) of such Act (15 U.S.C. 1024(b)), the Joint Economic Committee shall file its report on the President's 1976 Economic Report with the Senate and the House of Representatives not later than March 19, 1976.

SEC. 3. That prior to the convening of the second regular session of the Ninety-fourth Congress on January 19, 1976, as provided in section 1 of this resolution, Congress shall reassemble at 12 o'clock meridian on the second day after its Members are notified in accordance with section 4 of this resolution.

SEC. 4. The Speaker of the House of Representatives and the President pro tempore of the Senate shall notify the Members of the House and the Senate, respectively, to reassemble whenever in their opinion the public interest shall warrant it or whenever the majority leader of the House and the majority leader of the Senate, acting jointly, or the minority leader of the House and the minority leader of the Senate, acting jointly, file a written request with the Clerk of the House and the Secretary of the Senate that the Congress reassemble for the consideration of legislation.

Approved December 31, 1975.

LEGISLATIVE HISTORY:

CONGRESSIONAL RECORD, Vol. 121 (1975):
Dec. 16, considered and passed House.
Dec. 17, considered and passed Senate, amended.
Dec. 19, House concurred in Senate amendment.

Public Law 94-187
94th Congress

An Act

To authorize appropriations to the Energy Research and Development Administration in accordance with section 261 of the Atomic Energy Act of 1954, as amended, section 305 of the Energy Reorganization Act of 1974, and section 16 of the Federal Nonnuclear Energy Research and Development Act of 1974, and for other purposes.

Dec. 31, 1975
[H.R. 3474]

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

Energy Research and Development Administration. Appropriation authorization.

TITLE I—AUTHORIZATION OF APPROPRIATIONS FOR FISCAL YEAR 1976

SEC. 101. There is hereby authorized to be appropriated to the Energy Research and Development Administration in accordance with the provisions of section 261 of the Atomic Energy Act of 1954, as amended (42 U.S.C. 2017), section 305 of the Energy Reorganization Act of 1974 (42 U.S.C. 5875), and section 16 of the Federal Nonnuclear Energy Research and Development Act of 1974 (42 U.S.C. 5915):

(a) For "Operating expenses", for the following programs, a sum of dollars equal to the total of the following amounts:

(1) FOSSIL ENERGY DEVELOPMENT.—

(A) Coal liquefaction:
Costs, $96,897,000.
Changes in selected resources, $665,000.

(B) High Btu gasification (coal):
Costs, $37,838,000.
Changes in selected resources, $20,526,000.

(C) Low Btu gasification (coal):
Costs, $54,671,000.
Changes in selected resources, (minus) $4,282,000.

Provided, That not less than 20 per centum of the funds appropriated pursuant to this subparagraph (C) shall be used for in situ processes.

(D) Advanced power systems (coal):
Costs, $8,261,000.
Changes in selected resources, $2,340,000.

(E) Direct combustion (coal):
Costs, $32,645,000.
Changes in selected resources, $5,451,000.

(F) Advanced research and supporting technology (coal), for the following:

(i) Advanced coal conversion process:
Costs, $13,000,000.
Changes in selected resources, $1,000,000.

(ii) Advanced direct coal utilization process:
Costs, $4,600,000.
Changes in selected resources, $400,000.

(iii) Advanced supporting research:
Costs, $8,374,000.
Changes in selected resources, $119,000.

(iv) System studies:
Costs, $9,087,000.
Changes in selected resources, $2,813,000.
(G) Demonstration plants (coal):
Costs, $18,100,000.
Changes in selected resources, $18,900,000.
(H) Natural gas and oil extraction:
Costs, $32,865,000.
Changes in selected resources, $8,564,000.
(I) Natural gas and oil utilization:
Costs, $1,582,000.
Changes in selected resources, $215,000.
(J) Oil shale in situ processing:
Costs, $16,000,000.
Changes in selected resources, $3,000,000.
(K) Oil shale composition and characterization:
Costs, $1,113,000.
Changes in selected resources, $152,000.
(L) Magnetohydrodynamics:
Costs, $22,340,000.
Changes in selected resources, $12,160,000.

(2) SOLAR ENERGY DEVELOPMENT:
Costs, $97,100,000.
Changes in selected resources, $62,425,000.

(3) GEOTHERMAL ENERGY DEVELOPMENT:
Costs, $34,750,000.
Changes in selected resources, $8,520,000.

(4) CONSERVATION RESEARCH AND DEVELOPMENT.—
(A) Electric Power Transmission:
Costs, $11,830,000.
Changes in selected resources, $300,000.
(B) Advanced Transportation Power Systems:
Costs, $19,000,000.
Changes in selected resources, $4,500,000.
(C) Energy Storage Systems:
Costs, $23,100,000.
Changes in selected resources, $5,700,000.
(D) End-use Conservation:
Costs, $31,000,000.
Changes in selected resources, $18,650,000.
(E) Improved Conversion Efficiency:
Costs, $12,625,000.
Changes in selected resources, $3,000,000.
(F) Urban Waste Conversion:
Costs, $10,000,000.
Changes in selected resources, $5,000,000.

(5) NUCLEAR ENERGY AND OTHER PROGRAMS.—$3,158,970,000, of which a sum of dollars for the following programs equal to the total of the following amounts is included:
(A) Scientific and technical education in support of Nonnuclear Energy Technologies:
Costs, $4,500,000.
Changes in selected resources, $1,350,000.
(B) General new programs in Environmental and Safety Research in support of nonnuclear energy technology:
Costs, $22,100,000.
Changes in selected resources, $7,700,000.

(C) For use as provided in section 316 of this Act:
Costs, $4,000,000.
Changes in selected resources, $1,000,000.

(D) Nonpulmonary health studies on miners and people living in areas subjected to a high incidence of sulphur oxides and trace elements:
Costs, $400,000.
Changes in selected resources, $100,000.

(E) New programs of physical research in molecular and materials sciences in support of nonnuclear technologies:
Costs, $15,725,000.
Changes in selected resources, $3,750,000.

(F) $2,750,000 shall be available pursuant to sections 14 and 16 of the Federal Nonnuclear Energy Research and Development Act of 1974 (42 U.S.C. 5913 and 5915) as follows:
(i) $1,250,000 for the National Bureau of Standards;
(ii) $500,000 for the Council on Environmental Quality; and
(iii) $1,000,000 for the Water Resources Council.

(b) For "Plant and capital equipment", including construction, acquisition, or modification of facilities, including land acquisition; and acquisition and fabrication of capital equipment not related to construction, a sum of dollars equal to the total of the following amounts:

FOSSIL ENERGY DEVELOPMENT

(1) COAL.—
Project 76-1-a, clean boiler fuel demonstration plant (A-E and long-lead procurement), $20,000,000.
Project 76-1-b, High Btu synthetic pipeline gas demonstration plant (A-E and long-lead procurement), $20,000,000.
Project 76-1-c, Low Btu fuel gas demonstration plant, (A-E and long-lead procurement), $15,000,000.
Project 76-1-d, Fluidized bed direct combustion demonstration plant, $13,000,000.

SOLAR, GEOTHERMAL, AND ADVANCED ENERGY SYSTEMS DEVELOPMENT

(2) SOLAR ENERGY DEVELOPMENT.—
Project 76-2-a, Five megawatt solar thermal test facility, $5,000,000.
Project 76-2-b, Ten megawatt central receiver solar thermal powerplant, (A-E and long-lead procurement), $5,000,000.
(3) GEOTHERMAL ENERGY DEVELOPMENT.—
Project 76-3-a, Geothermal powerplant (steam) (A-E and long-lead procurement), $5,000,000.
Project 76-3-b, Geothermal powerplant (A-E and long-lead procurement), $5,000,000.
(4) PHYSICAL RESEARCH.—
Project 76-4-a, accelerator and reactor improvements and modifications, $4,000,000.

NUCLEAR ENERGY DEVELOPMENT

(5) FUSION POWER RESEARCH AND DEVELOPMENT.—
Project 76-5-a, Tokamak fusion test reactor, Princeton Plasma Physics Laboratory, Plainsboro, New Jersey, $23,000,000.
Project 76-5-b, 14 Mev intense neutron source facility, Los Alamos Scientific Laboratory, New Mexico, $22,100,000.

Project 76-5-c, 14 Mev high intensity neutron facility, Lawrence Livermore Laboratory, California, $5,000,000.

(6) FISSION POWER REACTOR DEVELOPMENT.—

Project 76-6-a, modifications to reactors, $4,000,000.

Project 76-6-b, sodium components test installation steam and feedwater system modification, Liquid Metal Engineering Center, Santa Susana, California, $7,700,000.

(7) FISSION POWER REACTOR DEVELOPMENT.—

Project 76-7-a, test reactor area fire main replacement, Idaho National Engineering Laboratory, Idaho, $2,200,000.

(8) NUCLEAR MATERIALS.—

Project 76-8-a, additional facilities, high level waste storage, Savannah River, South Carolina, $68,000,000.

Project 76-8-b, additional high level waste storage facilities, Richland, Washington, $35,000,000.

Project 76-8-c, supplemental N reactor irradiated fuel storage, Richland, Washington, $2,500,000.

Project 76-8-d, uprate electrical switchyards for Roane substation, Oak Ridge, Tennessee, $8,100,000.

Project 76-8-e, conversion of existing steam plants to coal capability, gaseous diffusion plants and Feed Materials Production Center, Fernald, Ohio, $12,200,000.

Project 76-8-f, radioactive liquid waste system improvements, Idaho Chemical Processing Plant, Idaho National Engineering Laboratory, Idaho, $5,800,000.

Project 76-8-g, additional facilities, enriched uranium production, locations undetermined, $25,000,000.

NATIONAL SECURITY

(9) WEAPONS.—

Project 76-9-a, MK-12A MINUTEMAN III production facilities, various locations, $3,000,000.

Project 76-9-b, plutonium metallurgy building modifications, Lawrence Livermore Laboratory, California, $1,000,000.

Project 76-9-c, limited life component exchange facility, Charleston, South Carolina, $13,900,000.

Project 76-9-d, water control and recycle project, Rocky Flats, Colorado, $3,100,000.

(10) WEAPONS.—

Project 76-10-a, fire wall construction, Bendix Plant, Kansas City, Missouri, $2,000,000.

Project 76-10-b, fire protection improvements, Los Alamos Scientific Laboratory, New Mexico, $4,450,000.

Project 76-10-c, PHERMEX enhancement, Los Alamos Scientific Laboratory, New Mexico, $6,150,000.

ENVIRONMENTAL AND SAFETY RESEARCH

(11) BIOMEDICAL AND ENVIRONMENTAL RESEARCH.—

Project 76-11-a, modifications and additions to biomedical and environmental research facilities, $3,200,000.

Project 76-11-b, inhalation toxicology research facilities, $6,800,000.

(12) GENERAL PLANT PROJECTS.—$64,670,000.

(13) CONSTRUCTION PLANNING AND DESIGN.—$6,000,000.

(14) SAFEGUARDS AND FACILITY UPGRADING.—

Project 76-14, safeguard and security upgrading, various locations, $32,800,000.

CAPITAL EQUIPMENT NOT RELATED TO CONSTRUCTION

(15) CAPITAL EQUIPMENT.—Acquisition and fabrication of capital equipment not related to construction, for the following programs, a sum of dollars equal to the total of the following amounts:

(A) Fossil energy development, $425,000.

(B) Solar energy development, $3,000,000.

(C) Geothermal energy development, $3,120,000.

(D) Conservation research and development including improved conversion efficiency, $11,500,000.

(E) Physical research in molecular and materials sciences in support of nonnuclear energy technology, $4,600,000.

(F) Environmental and safety research in support of nonnuclear energy technology, $2,000,000.

(G) Nuclear energy and other programs, $237,502,000.

SEC. 102. LIMITATIONS.—(a) The Administration is authorized to start any project set forth in subsections 101(b) (4), (5), (6), (8), (9), (11), and (14) only if the currently estimated cost of that project does not exceed by more than 25 per centum the estimated cost set forth for that project.

(b) The Administration is authorized to start any project set forth in subsections 101(b) (7) and (10) only if the currently estimated cost of that project does not exceed by more than 10 per centum the estimated cost set forth for that project.

(c) The Administration is authorized to start any project under subsection 101(b) (12) only if it is in accordance with the following:

(1) The maximum currently estimated cost of any project shall be $750,000 and the maximum currently estimated cost of any building included in such project shall be $300,000: *Provided*, That the building cost limitation may be exceeded if the Administration determines that it is necessary in the interest of efficiency and economy.

(2) The total cost of all projects undertaken under subsection 101(b) (12) shall not exceed the estimated cost set forth in that section by more than 10 per centum.

(d) The total cost of any project undertaken under subsections 101 (b) (4), (5), (6), (8), (9), (11), and (14) shall not exceed the estimated cost set forth for that project by more than 25 per centum unless and until additional appropriations are authorized under section 261 of the Atomic Energy Act of 1954, as amended: *Provided*, That this subsection will not apply to any project with an estimated cost less than $5,000,000. 42 USC 2017.

(e) The total cost of any project undertaken under subsection 101 (b) (7) and (10) shall not exceed the estimated cost set forth for that project by more than 10 per centum, unless and until additional appropriations are authorized under section 261 of the Atomic Energy Act of 1954, as amended: *Provided*, That this subsection will not apply to any project with an estimated cost less than $5,000,000.

SEC. 103. AMENDMENT OF PRIOR YEAR ACTS.—(a) Section 101 of Public Law 91-273, as amended, is further amended by (1) striking from subsection (b) (1), project 71-1-f, process equipment modifications, gaseous diffusion plants, the figure "$295,100,000" and substituting therefor the figure "$478,100,000"; and (2) striking from subsection (b) (9), project 71-9, fire, safety, and adequacy of operating conditions projects, various locations, the figure "$193,000,000" and substituting therefor the figure "$240,000,000". 84 Stat. 299.

87 Stat. 143.

(b) Section 101 of Public Law 93-60, as amended, is further amended by (1) striking from subsection (b)(1), project 74-1-g, cascade uprating program, gaseous diffusion plants, the figure "$183,100,000" and substituting therefor the figure "$259,600,000"; and (2) striking from subsection (b)(2), project 74-2-c, high energy laser facility, Lawrence Livermore Laboratory, California, the figure "$20,000,000" and substituting therefor the figure "$25,000,000".

88 Stat. 115.

(c) Section 101 of Public Law 93-276 is amended by (1) striking from subsection (b)(1), project 75-1-a, additional facilities, high level waste handling and storage, Savannah River, South Carolina, the figure "$30,000,000" and substituting therefor the figure "$33,000,000"; (2) striking from subsection (b)(1), project 75-1-c, new waste calcining facility, Idaho Chemical Processing Plant, National Reactor Testing Station, Idaho, the figure "$20,000,000" and substituting therefor the figure "$27,500,000"; (3) striking from subsection (b)(3), project 75-3-e, addition to building 350 for safeguards analytical laboratory, Argonne National Laboratory, Illinois, the figure "$3,500,000" and substituting therefor the figure "$4,300,000"; (4) striking from subsection (b)(6), project 75-6-c, positron-electron joint project, Lawrence Berkeley Laboratory and Stanford Linear Accelerator Center, the figure "$900,000" and substituting therefor the figure "$11,900,000"; and (5) striking from subsection (b)(7), project 75-7-c, intermediate-level waste management facilities, Oak Ridge National Laboratory, Tennessee, the figure "$9,500,000" and substituting therefor the figure "$10,500,000".

84 Stat. 300.

(d) Section 106 of Public Law 91-273, as amended, is further amended by deleting the present text thereof and substituting therefor the following:

86 Stat. 234.

SEC. 104. RESCISSIONS.—(a) Public Law 92-314, as amended, is further amended by rescinding therefrom authorization for a project, except for funds heretofore obligated, as follows:

Project 73-5-d, modifications to TREAT facility, National Reactor Testing Station, Idaho, $1,500,000.

(b) Public Law 93-60, as amended, is further amended by rescinding therefrom authorization for a project, except for funds heretofore obligated, as follows:

Project 74-3-e, modifications to TREAT facility, National Reactor Testing Station, Idaho, $2,500,000.

(c) Public Law 93-276, as amended, is further amended by rescinding therefrom authorization for projects, except for funds heretofore obligated, as follows:

Project 75-13-a, hydrothermal pilot plant, $1,000,000.

Project 75-5-e, high temperature gas reactor fuel reprocessing facility, National Reactor Testing Station, Idaho, $10,100,000.

Project 75-5-f, high temperature gas reactor fuel refabrication pilot plant, Oak Ridge National Laboratory, Tennessee, $3,000,000.

TITLE II—AUTHORIZATION OF APPROPRIATIONS FOR THE PERIOD JULY 1, 1976, THROUGH SEPTEMBER 30, 1976

SEC. 201. There is hereby authorized to be appropriated to the Energy Research and Development Administration in accordance with the provisions of section 261 of the Atomic Energy Act of 1954, as amended (42 U.S.C. 2017), section 305 of the Energy Reorganization Act of 1974 (42 U.S.C. 5875), and section 16 of the Federal Nonnuclear Energy Research and Development Act of 1974 (42 U.S.C. 5915):

(a) For "Operating expenses", for the following programs, a sum of dollars equal to the total of the following amounts:

(1) FOSSIL ENERGY DEVELOPMENT.—

(A) Coal liquefaction:
Costs, $16,000,000.
Changes in selected resources, $12,750,000.

(B) High Btu gasification (coal):
Costs, $7,450,000.
Changes in selected resources, $1,800,000.

(C) Low Btu gasification (coal):
Costs, $7,300,000.
Changes in selected resources, $5,350,000.

Provided, That not less than 20 per centum of the funds appropriated pursuant to this subparagraph (C) shall be used for in situ processes.

(D) Advanced power systems (coal):
Costs, $2,050,000.
Changes in selected resources, $1,450,000.

(E) Direct combustion (coal):
Costs, $5,100,000.
Changes in selected resources, $9,800,000.

(F) Advanced research and supporting technology (coal), for the following:

(i) Advanced coal conversion process:
Costs, $2,100,000.
Changes in selected resources, $1,900,000.

(ii) Advanced direct coal utilization process:
Costs, $500,000.
Changes in selected resources, $500,000.

"SEC. 106. LIQUID METAL FAST BREEDER REACTOR DEMONSTRATION PROGRAM—FOURTH ROUND.—(a) The Energy Research and Development Administration (ERDA) is hereby authorized to enter into cooperative arrangements with reactor manufacturers and others for participation in the research and development, design, construction, and operation of a Liquid Metal Fast Breeder Reactor powerplant, in accordance with criteria approved by the Joint Committee on Atomic Energy, without regard to the provisions of section 169 of the Atomic Energy Act of 1954, as amended. Appropriations are hereby authorized for the period consisting of the fiscal year ending June 30, 1976, and the interim period following that fiscal year and ending September 30, 1976, for the aforementioned cooperative arrangements as shown in the basis for arrangements as submitted in accordance with subsection (b) hereof. In addition, ERDA may agree to provide assistance in the form of waiver of use charges during the term of the cooperative arrangements without regard to the provisions of section 53 of the Atomic Energy Act, as amended, by waiving use charges in an amount not to exceed $10,000,000.

Cooperative arrangements.

42 USC 2209.

Waiver.

42 USC 2073.

"(b) Before ERDA enters into any arrangement or amendment thereto under the authority of subsection (a) of this section, the basis for the arrangement or amendment thereto which ERDA proposes to execute (including the name of the proposed participating party or parties with which the arrangement is to be made, a general description of the proposed powerplant, the estimated amount of cost to be incurred by ERDA and by the participating parties, and the general features of the proposed arrangement or amendment) shall be submitted to the Joint Committee on Atomic Energy, and a period of forty-five days shall elapse while Congress is in session (in computing such forty-five days, there shall be excluded the days on which either

Proposal, submittal to Joint Committee on Atomic Energy.

Waiver.

House is not in session because of adjournment for more than three days): *Provided, however*, That the Joint Committee, after having received the basis for a proposed arrangement or amendment thereto, may by resolution in writing waive the conditions of all, or any portion of, such forty-five-day period: *Provided, further*, That such arrangement or amendment shall be entered into in accordance with the basis for the arrangement or amendment submitted as provided herein: *And provided further*, That no basis for arrangement need be resubmitted to the Joint Committee for the sole reason that the estimated amount of the cost to be incurred by ERDA exceeds the estimated cost previously submitted to the Joint Committee by not more than 15 per centum. Notwithstanding the foregoing, ERDA, in each of its annual budget submissions, shall submit for the information and review of the Joint Committee in the exercise of its oversight responsibility, the anticipated obligations and costs for the ensuing fiscal year for the project authorized under subsection (a) of this section.

"(c) The ERDA is hereby authorized to agree, by modification to the definitive cooperative arrangement reflecting such changes therein as it deems appropriate for such purpose, to the following: (1) to execute and deliver to the other parties to the definitive contract, the special undertakings of indemnification specified in said contract, which undertakings shall be subject to availability of appropriations to ERDA and to the provisions of section 3679 of the Revised Statutes, as amended; and (2) to acquire ownership and custody of the property constituting the Liquid Metal Fast Breeder Reactor powerplant or parts thereof, and to use, decommission, and dispose of said property, as provided for in the definitive contract."

31 USC 665.

(iii) Advanced supporting research:
Costs, $1,400,000.
Changes in selected resources, $450,000.
(iv) Systems studies:
Costs, $1,400,000.
Changes in selected resources, $1,600,000.
(G) Demonstration plants (coal):
Costs, $4,100,000.
Changes in selected resources, $4,900,000.
(H) Natural gas and oil extraction:
Costs, $9,930,000.
Changes in selected resources, $600,000.
(I) Natural gas and oil utilization:
Costs, $500,000.
Changes in selected resources (minus) $50,000.
(J) Oil shale in situ processing:
Costs, $4,241,000.
Changes in selected resources, $529,000.
(K) Oil shale composition and characterization:
Costs, $300,000.
Changes in selected resources, $0.
(L) Magnetohydrodynamics.
Costs, $6,700,000.
Changes in selected resources, $1,700,000.
(2) SOLAR ENERGY DEVELOPMENT.—
Costs, $24,500,000.
Changes in selected resources, $19,203,000.
(3) GEOTHERMAL ENERGY DEVELOPMENT.—
Costs, $10,100,000.
Changes in selected resources, $850,000.

(4) CONSERVATION RESEARCH AND DEVELOPMENT.—
(A) Electric Power Transmission:
Costs, $2,673,000.
Changes in selected resources (minus) $100,000.
(B) Advanced Transportation Power Systems:
Costs, $4,750,000.
Changes in selected resources, $1,060,000.
(C) Energy Storage Systems:
Costs, $5,400,000.
Changes in selected resources, $900,000.
(D) End-use Conservation:
Costs, $8,000,000.
Changes in selected resources, $2,000,000.
(E) Improved Conversion Efficiency:
Costs, $3,475,000.
Changes in selected resources, $1,100,000.
(F) Urban Waste Conversion:
Costs, $2,500,000.
Changes in selected resources, $1,250,000.

(5) NUCLEAR ENERGY AND OTHER PROGRAMS.—$914,849,000, of which a sum of dollars for the following programs equal to the total of the following amounts is included:

(A) Scientific and technical education in support of Nonnuclear Energy Technologies:
Costs, $1,125,000.
Changes in selected resources, $337,000.

(B) General new programs in Environmental and Safety Research in support of nonnuclear energy technology:
Costs, $5,525,000.
Changes in selected resources, $1,919,000.

(C) For use as provided in section 316 of this Act:
Costs, $1,000,000.
Changes in selected resources, $250,000.

(D) Nonpulmonary health studies on miners and people living in areas subjected to a high incidence of sulphur oxides and trace elements:
Costs, $100,000.
Changes in selected resources, $25,000.

(E) New programs of physical research in molecular and materials sciences in support of nonnuclear technologies:
Costs, $3,931,000.
Changes in selected resources, $1,168,000.

(F) $687,000 shall be available pursuant to sections 14 and 16 of the Federal Nonnuclear Energy Research and Development Act of 1974 (42 U.S.C. 5913 and 5915) as follows:
(i) $312,000 for the National Bureau of Standards;
(ii) $125,000 for the Council on Environmental Quality; and
(iii) $250,000 for the Water Resources Council.

(b) For "Plant and capital equipment", including construction, acquisition, or modification of facilities, including land acquisition; and acquisition and fabrication of capital equipment not related to construction, a sum of dollars equal to the total of the incremental amounts of the following:

FOSSIL ENERGY DEVELOPMENT

(1) COAL.—

Project 76-1-a, clean boiler fuel demonstration plant (A-E and long-lead procurement), $8,000,000.

Project 76-1-b, High Btu synthetic pipeline gas demonstration plant (A-E and long-lead procurement), $5,000,000.

Project 76-1-c, Low Btu fuel gas demonstration plant (A-E and long-end procurement), $3,750,000.

Project 76-1-d, Fluidized bed direct combustion demonstration plant, $3,250,000.

SOLAR, GEOTHERMAL, AND ADVANCED ENERGY SYSTEMS DEVELOPMENT

(2) SOLAR ENERGY DEVELOPMENT.—

Project 76-2-a, Five megawatt solar thermal test facility, $1,250,000.

Project 76-2-b, Ten megawatt central receiver solar thermal powerplant (A-E and long-lead procurement), $1,250,000.

(3) GEOTHERMAL ENERGY DEVELOPMENT.—

Project 76-3-a, Geothermal powerplant (steam) (A-E and long-lead procurement), $1,250,000.

Project 76-3-b, Geothermal powerplant (A-E and long-lead procurement), $1,250,000.

(4) PHYSICAL RESEARCH.—

Project 76-4-a, accelerator and reactor improvements and modifications, $1,000,000.

NUCLEAR ENERGY DEVELOPMENT

(5) FUSION POWER RESEARCH AND DEVELOPMENT.—

Project 76-5-a, tokamak fusion test reactor, Princeton Plasma Physics Laboratory, Plainsboro, New Jersey, $7,000,000.

(6) GENERAL PLANT PROJECTS.—$15,900,000.

(7) CONSTRUCTION PLANNING AND DESIGN.—$1,500,000.

CAPITAL EQUIPMENT NOT RELATED TO CONSTRUCTION

(8) CAPITAL EQUIPMENT.—

Acquisition and fabrication of capital equipment not related to construction, for the following programs, a sum of dollars equal to the total of the following amounts:

(A) Fossil energy development, $200,000.

(B) Geothermal energy development, $200,000.

(C) Conservation research and development including improved conversion efficiency, $2,900,000.

(D) Physical research in molecular and materials sciences in support of nonnuclear energy technology, $1,037,000.

(E) Environmental and safety research in support of nonnuclear energy technologies, $500,000.

(F) Nuclear energy and other programs, $58,086,000.

SEC. 202. LIMITATIONS.—(a) The Administration is authorized to start any project set forth in subsections 201(b) (4) and (5) only if the currently estimated cost of that project does not exceed by more than 25 per centum the estimated cost set forth for that project.

(b) The Administration is authorized to start any project under subsection 201(b) (6) only if it is in accordance with the following:

(1) The maximum currently estimated cost of any project shall be $750,000 and the maximum currently estimated cost of any building included in such project shall be $300,000: *Provided*,

That the building cost limitation may be exceeded if the Administration determines that it is necessary in the interest of efficiency and economy.

(2) The total cost of all projects undertaken under subsection 201(b)(6) shall not exceed the estimated cost set forth in that subsection by more than 10 per centum.

(c) The total cost of any project undertaken under subsection 201 (b) (4) and (5) shall not exceed the estimated cost set forth for that project by more than 25 per centum, unless and until additional appropriations are authorized under section 261 of the Atomic Energy Act of 1954, as amended: *Provided*, That this subsection will not apply to any project with an estimated cost less than $5,000,000.

SEC. 203. AMENDMENT OF PRIOR YEAR ACTS.—(a) Section 101 of Public Law 91-273, as amended, is further amended by striking from subsection (b)(1), project 71-1-f, process equipment modifications, gaseous diffusion plants, the figure "$478,100,000" and substituting therefor the figure "$510,100,000". 84 Stat. 299.

(b) Section 101 of Public Law 93-60, as amended, is further amended by striking from subsection (b)(1), project 74-1-g, cascade uprating program, gaseous diffusion plants, the figure "$259,600,000" and substituting therefor the figure "$270,400,000". 87 Stat. 143.

TITLE III—GENERAL PROVISIONS

PART A—PROVISIONS RELATING TO PROGRAMS OTHER THAN FOSSIL ENERGY DEVELOPMENT

SEC. 301. The Administrator is authorized to perform construction design services for any Administration construction project whenever (1) such construction project has been included in a proposed authorization bill transmitted to the Congress by the Administrator, and (2) the Administrator determines that the project is of such urgency that construction of the project should be initiated promptly upon enactment of legislation appropriating funds for its construction. Construction design services.

SEC. 302. Any moneys received by the Administration may be retained and used for operating expenses (except sums received from disposal of property under the Atomic Energy Community Act of 1955 and the Strategic and Critical Materials Stockpiling Act, as amended, and fees received for tests or investigations under the Act of May 16, 1910, as amended (42 U.S.C. 2301; 50 U.S.C. 98h; 30 U.S.C. 7)), notwithstanding the provisions of section 3617 of the Revised Statutes (31 U.S.C. 484), and may remain available until expended.

SEC. 303. Transfers of sums from the "Operating expenses" appropriation may be made to other agencies of the Government for the performance of the work for which the appropriation is made, and in such cases the sums so transferred, may be merged with the appropriation to which transferred. Transfer of sums.

SEC. 304. Sections 301, 302, and 303 of this Act do not apply to fossil energy development programs of the Administration.

PART B—PROVISIONS RELATING TO NONNUCLEAR ENERGY DEVELOPMENT

SEC. 305. REPROGRAMING AUTHORITY.—Except as provided in part C of this title—

(1) no amount appropriated pursuant to this Act may be used for any nonnuclear program in excess of the amount actually authorized for that particular program by this Act,

(2) no amount appropriated pursuant to this Act may be used for any nonnuclear program which has not been presented to, or requested of, the Congress,

unless (A) a period of thirty calendar days (not including any day in which either House of Congress is not in session because of adjournment of more than three calendar days to a day certain) has passed after the receipt by the Committee on Science and Technology of the House of Representatives and the Committee on Interior and Insular Affairs of the Senate of notice given by the Administrator containing a full and complete statement of the action proposed to be taken and the facts and circumstances relied upon in support of such proposed action, or (B) each such committee before the expiration of such period has transmitted to the Administrator written notice to the effect that such committee has no objection to the proposed action: *Provided*, That the following categories may not, as a result of reprograming, be decreased by more than 10 per centum of the sums appropriated pursuant to this Act for such categories: Coal, petroleum and natural gas, oil shale, solar, geothermal, and conservation.

Allocation of funds, explanation to congressional committees.

SEC. 306. The Administrator shall submit to the Committee on Science and Technology of the House of Representatives and the Committee on Interior and Insular Affairs of the Senate a detailed explanation of the allocation of the funds appropriated pursuant to sections 101(a) and 201(a) of this Act for nonnuclear energy programs and subprograms, reflecting the relationships, consistencies, and dissimilarities between those allocations and (a) the comprehensive program definition transmitted pursuant to section 102 of the Geothermal Energy Research, Development, and Demonstration Act, (b) the comprehensive program definition transmitted pursuant to section 15 of the Solar Energy Research, Development, and Demonstration Act of 1974 (42 U.S.C. 5564), (c) the comprehensive nonnuclear energy research development, and (d) demonstrations transmitted pursuant to section 6 of the Federal Nonnuclear Energy Research and Development Act of 1974 (42 U.S.C. 5905).

30 USC 1122.

SEC. 307. When so specified in an appropriation Act, any amount appropriated pursuant to this Act for "Operating expenses" or for "Plant and capital equipment" for nonnuclear energy may remain available until expended.

Report to congressional committees.

SEC. 308. The Administrator shall, by June 30, 1976, and by the end of each fiscal year thereafter, submit a report to the Committee on Science and Technology of the House of Representatives and the Committee on Interior and Insular Affairs of the Senate detailing the extent to which small business and nonprofit organizations are being funded by the nonnuclear research, development, and demonstration programs of the Administrator, and the extent to which small business involvement pursuant to section 2(d) of the Energy Reorganization Act of 1974 (42 U.S.C. 5801(d)) is being encouraged by the Administrator.

42 USC 5801 note.

42 USC 5904 note.

SEC. 309. The Administrator shall coordinate nonnuclear programs of the Administration with the heads of relevant Federal agencies in order to minimize unnecessary duplication of programs, projects, and research facilities.

SEC. 310. The Administrator shall, as soon as practicable and consistent with design, economic, and feasibility studies, include in an annual authorization proposal a recommendation on construction of at least one demonstration offshore wind-electric generating facility.

42 USC 5914 note.

SEC. 311. As a part of the annual report required by section 15(a)(1) of the Federal Nonnuclear Energy Research and Development Act of 1974 (42 U.S.C. 5914(a)(1)), the Administrator shall:

(a) detail the Solar Energy Division personnel level recommended for the current fiscal year by the Administrator and submitted to the Office of Management and Budget, and the personnel level authorized upon review by that Office; and

(b) detail progress toward completion by January 1, 1980, of the objectives of the Solar Energy Research Development, and Demonstration Act of 1974 (42 U.S.C. 5551, et seq.).

SEC. 312. The Federal Nonnuclear Energy Research and Development Act of 1974 (42 U.S.C. 5901) is amended by adding at the end thereof the following new section:

"CENTRAL SOURCE OF NONNUCLEAR ENERGY INFORMATION

"SEC. 17. The Administrator shall promptly establish, develop, acquire, and maintain a central source of information on all energy resources and technology in furtherance of the Administrator's research, development, and demonstration mission carried out directly or indirectly under this Act. When the Administrator determines that such information is needed to carry out the purposes of this Act, he may acquire proprietary and other information (a) by purchase through negotiation or by donation from any person, or (b) from another Federal agency. The information maintained by the Administrator shall be made available to the public, subject to the provisions of section 552 of title 5, United States Code, and section 1905 of title 18, United States Code, and to other Government agencies in a manner that will facilitate its dissemination: *Provided*, That upon a showing satisfactory to the Administrator by any person that any information, or portion thereof, obtained under this section by the Administrator directly or indirectly from such person, would, if made public, divulge (1) trade secrets or (2) other proprietary information of such person, the Administrator shall not disclose such information and disclosure thereof shall be punishable under section 1905 of title 18, United States Code: *Provided further*, That the Administrator shall, upon request, provide such information to (A) any delegate of the Administrator for the purpose of carrying out this Act, and (B) the Attorney General, the Secretary of Agriculture, the Secretary of the Interior, the Federal Trade Commission, the Federal Energy Administration, the Environmental Protection Agency, the Federal Power Commission, the General Accounting Office, other Federal agencies, when necessary to carry out their duties and responsibilities under this and other statutes, but such agencies and agency heads shall not release such information to the public. This section is not authority to withhold information from Congress or any committee of Congress upon request of the chairman.". 42 USC 5916. Availability.

SEC. 313. The Federal Nonnuclear Energy Research and Development Act of 1974 (42 U.S.C. 5901) is amended by adding at the end thereof (after the new section added by section 312 of this Act) the following new section:

"ENERGY INFORMATION

"SEC. 18. The Administrator is, upon request, authorized to obtain energy information under section 11(d) of the Energy Supply and Environmental Coordination Act of 1974, as amended (15 U.S.C. 796(d)).". 42 USC 5917.

PART C—PROVISIONS RELATING TO FOSSIL ENERGY DEVELOPMENT

SEC. 314. Funds appropriated pursuant to this Act for "Operating expenses" for fossil energy purposes may be used for (1) any facilities which may be required at locations, other than installations of the Administration, for the performance of research and development contracts, and (2) grants to any organization for purchase or construction of research facilities. No such funds shall be used for the acquisition of land. Fee title to all such facilities shall be vested in the United States, unless the Administrator determines in writing that the programs of research and development authorized by this Act shall best be implemented by vesting fee title in an entity other than the United States: *Provided*, That, before approving the vesting of title in such entity, the Administrator shall (A) transmit such determination, together with all pertinent data, to the Committee on Science and Technology of the House of Representatives and the Committee on Interior and Insular Affairs of the Senate, and (B) wait a period of thirty calendar days (not including any day in which either House of Congress is not in session because of adjournment of more than three calendar days to a day certain), unless prior to the expiration of such period each such committee has transmitted to the Administrator written notice to the effect that such committee has no objection to the proposed action. Each grant shall be made under such conditions as the Administrator deems necessary to insure that the United States will receive therefrom benefits adequate to justify the making of the grant. No such funds shall be used under clause (1) of the first sentence of this section for the construction of any major facility the estimated cost of which, including collateral equipment, exceeds $250,000 unless the Administrator shall (i) transmit a report on such major facility showing the nature, purpose, location, and estimated cost of such facility to the Committee on Science and Technology of the House of Representatives and the Committee on Interior and Insular Affairs of the Senate, and (ii) wait a period of thirty calendar days (not including any day in which either House of Congress is not in session because of adjournment of more than three calendar days to a day certain), unless prior to the expiration of such period each such committee has transmitted to the Administrator written notice to the effect that such committee has no objection to the proposed action.

Determination and data, transmittal to congressional committees.

Report to congressional committees.

SEC. 315. Not to exceed three per centum of all funds appropriated pursuant to this Act for "Operating expenses" for fossil energy purposes may be used by the Administrator to construct, expand, or modify laboratories and other facilities, including the acquisition of land, at any location under the control of the Administrator, if the Administrator determines that (1) such action would be necessary because of changes in the national programs authorized to be funded by this Act or because of new scientific or engineering developments, and (2) deferral of such action until the enactment of the next authorization Act would be inconsistent with the policies established by Congress for the Administration. No portion of such sums may be obligated for expenditure or expended for such activities, unless (A) a period of thirty calendar days (not including any day in which either House of Congress is not in session because of adjournment of more than three calendar days to a day certain) has passed after the Administrator has transmitted to the Committee on Science and Technology of the House of Representatives and the Committee on Interior and Insular Affairs of the Senate a written report containing a full and complete statement concerning (i) the nature of construction, expan-

Report to congressional committees.

sion, or modification, (ii) the cost thereof, including the cost of any real estate action pertaining thereto, and (iii) the reason why such construction, expansion, or modification is necessary and in the national interest, or (B) each such committee before the expiration of such period has transmitted to the Administrator written notice to the effect that such committee has no objection to the proposed action.

SEC. 316. The Administrator shall conduct an environmental and safety research, development, and demonstration program related to fossil fuels.

TITLE IV—OAK RIDGE HOLIFIELD NATIONAL LABORATORY

Designation.

SEC. 401. The Holifield National Laboratory at Oak Ridge, Tennessee, shall hereafter be known and designated as the "Oak Ridge National Laboratory". Any reference in any law, map, regulation, document, record, or other paper of the United States to the Holifield National Laboratory or to the Oak Ridge National Laboratory shall be held to be a reference to the "Oak Ridge National Laboratory".

Holified Heavy Ion Research Facility. Designation.

SEC. 402. The Heavy Ion Research Facility under construction at Oak Ridge, Tennessee, is hereby designated as the "Holifield Heavy Ion Research Facility". Any reference in any law, regulation, map, record, or other document of the United States to the Heavy Ion Research Facility shall be considered a reference to the "Holifield Heavy Ion Research Facility".

TITLE V—AIR TRANSPORTATION OF PLUTONIUM

42 USC 5817 note.

SEC. 501. The Energy Research and Development Administration shall not ship plutonium in any form by aircraft whether exports, imports, or domestic shipment: *Provided*, That any exempt shipments of plutonium, as defined by section 502, are not subject to this restriction. This restriction shall be in force until the Energy Research and Development Administration has certified to the Joint Committee on Atomic Energy of the Congress that a safe container has been developed and tested which will not rupture under crash and blast testing equivalent to the crash and explosion of a high-flying aircraft.

"Exempt shipment of plutonium." 42 USC 5817 note.

SEC. 502. For the purposes of this title, the term "exempt shipments of plutonium" shall include the following:

(1) Plutonium shipments in any form designed for medical application.

(2) Plutonium shipments which pursuant to rules promulgated by the Administrator of the Energy Research and Development Administration are determined to be made for purposes of national security, public health and safety, or emergency maintenance operations.

(3) Shipments of small amounts of plutonium deemed by the Administrator of the Energy Research and Development Administration to require rapid shipment by air in order to preserve the chemical, physical, or isotopic properties of the transported item or material.

TITLE VI—ASSISTANCE PAYMENTS AMENDMENTS

SEC. 601. Chapter 9 of the Atomic Energy Community Act of 1955 (42 U.S.C. 2391 et seq.) is amended—

(1) by striking out "Commission" each time it appears in sections 91 and 94, the first time it appears in section 92, and where

42 USC 2391, 2394, 2392.

42 USC 2393.

it appears in section 93, and inserting in each instance in lieu thereof the following: "Administrator";

42 USC 2391.

(2) by striking out "atomic energy" in section 91a(2) and inserting "Energy Research and Development Administration" in lieu thereof;

(3) by striking out "its" in section 91d;

(4) by striking out "itself" in section 91e;

(5) by striking out the period at the end of the first sentence of section 91a, and inserting in lieu thereof the following: ": *Provided further*, That the Administrator is also authorized to make payments of just and reasonable sums to Anderson County and Roane County, Tennessee.";

(6) by inserting immediately after "Richland School District" in section 91d, but before the closing of parentheses, the following: "; or not less than six months prior to June 30, 1986, in the case of Anderson County and Roane County, Tennessee";

(7) by striking out "Commission" in the catchlines of sections 92 and 94;

42 USC 2392, 2394.

(8) by striking out "Commission" the second time it appears in section 92, and inserting "Energy Research and Development Administration" in lieu thereof; and

(9) by striking out the final period in section 93 and inserting in lieu thereof the following: "; and in the case of Anderson County and Roane County, Tennessee, shall not extend beyond June 30, 1986.".

Approved December 31, 1975.

LEGISLATIVE HISTORY:

HOUSE REPORTS: No. 94–294 (Joint Committee on Atomic Energy and Comm. on Science and Technology) and No. 94–696 (Comm. of Conference).

SENATE REPORTS: No. 94–104 (Joint Committee on Atomic Energy) and No. 94–332 (Comm. on Interior and Insular Affairs) both accompanying S. 598 and No. 94–514 (Comm. of Conference).

CONGRESSIONAL RECORD, Vol. 121 (1975):

June 19, 20, considered and passed House.

July 31, considered and passed Senate, amended, in lieu of S. 598.

Dec. 9, Senate agreed to conference report.

Dec. 11, House rejected the conference report; concurred in Senate amendment with an amendment.

Dec. 18, Senate concurred in House amendment.

Public Law 94-188
94th Congress

An Act

To extend the Appalachian Regional Development Act of 1965, to increase the authorizations for the title V Action Planning Commissions, and for other purposes.

Dec. 31, 1975
[H.R. 4073]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Regional Development Act of 1975".

Regional Development Act of 1975.
42 USC 3181 note.

TITLE I

SEC. 101. This title may be cited as the "Appalachian Regional Development Act Amendments of 1975".

Appalachian Regional Development Act Amendments of 1975.
40 USC app. 1 note.

SEC. 102. Section 2 of the Appalachian Regional Development Act of 1965 (40 App. U.S.C. 2) is amended by inserting "(a)" after "SEC. 2." and adding the following new subsection:

"(b) The Congress further finds and declares that while substantial progress has been made toward achieving the foregoing purposes, especially with respect to the provision of essential public facilities, much remains to be accomplished, especially with respect to the provision of essential health, education, and other public services. The Congress recognizes that changes and evolving national purposes in the decade since 1965 affect not only the Appalachian region, but also its relationship to a nation now assigning higher priority to conservation and the quality of life, values long cherished within the region. Appalachia now has the opportunity, in accommodating future growth and development, to demonstrate local leadership and coordinated planning so that housing, public services, transportation and other community facilities will be provided in a way congenial to the traditions and beauty of the region and compatible with conservation values and an enhanced quality of life for the people of the region. The Congress recognizes also that fundamental changes are occurring in national energy requirements and production, which not only risk short-term dislocations but will undoubtedly result in major long-term effects in the region. It is essential that the opportunities for expanded energy production be used so as to maximize the social and economic benefits and minimize social and environmental costs to the region and its people. It is, therefore, also the purpose of this Act to provide a framework for coordinating Federal, State and local efforts toward (1) anticipating the effects of alternative energy policies and practices, (2) planning for accompanying growth and change so as to maximize the social and economic benefits and minimize social and environmental costs, and (3) implementing programs and projects carried out in the region by Federal, State, and local governmental agencies so as to better meet the special problems generated in the region by the Nation's energy needs and policies, including problems of transportation, housing, community facilities, and human services.".

Appalachian Regional Commission.
Membership and voting.

SEC. 103. Section 101 of the Appalachian Regional Development Act of 1965 (40 App. U.S.C. 101) is amended as follows:

(1) The third sentence of subsection (a) is amended to read as follows: "Each State member shall be the Governor.".

(2) The last sentence of subsection (a) is amended by striking the period and inserting the following: "for a term of not less than one year.".

(3) Subsection (b) is amended by adding the following: "No decision involving Commission policy, approval of State, regional or subregional development plans or implementing investment programs, any modification or revision of the Appalachian Regional Commission Code, or any allocation of funds among the States may be made without a quorum of State members present. The approval of project and grant proposals shall be a responsibility of the Commission and exercised in accordance with section 303 of this Act.".

40 USC app. 303.

State alternate.

(4) The first sentence of subsection (c) is amended to read as follows: "Each State member may have a single alternate, appointed by the Governor from among the members of the Governor's cabinet or the Governor's personal staff.".

(5) Subsection (c) is amended by adding at the end thereof the following: "A State alternate shall not be counted toward the establishment of a quorum of the Commission in any instance in which a quorum of the State members is required to be present. No Commission powers or responsibilities specified in the last two sentences of subsection (b) of this section, nor the vote of any Commission member, may be delegated to any person not a Commission member or who is not entitled to vote in Commission meetings.".

Compensation.

SEC. 104. Subsection (d) of section 101 of the Appalachian Regional Development Act of 1965 (40 App. U.S.C. 101) is amended to read as follows:

"(d) The Federal Cochairman shall be compensated by the Federal Government at level III of the Executive Schedule in subchapter II of chapter 53 of title V, United States Code. His alternate shall be compensated by the Federal Government at level V of such Executive Schedule, and when not actively serving as an alternate for the Federal Cochairman, shall perform such functions and duties as are delegated to him by the Federal Cochairman. Each State member and his alternate shall be compensated by the State which they represent at the rate established by law of such State.".

5 USC 5314.

5 USC 5316.

SEC. 105. Section 102 of the Appalachian Regional Development Act of 1965 (40 App. U.S.C. 102) is amended by inserting "(a)" after "SEC. 102." and adding the following new subsection:

"(b) In carrying out its functions under this section, the Commission shall identify the characteristics of, and may distinguish between the needs and goals of appropriate subregional areas, including central, northern, and southern Appalachia.".

Appropriation authorization.

SEC. 106. Section 105(b) of the Appalachian Regional Development Act of 1965 (40 App. U.S.C. 105) is amended by adding at the end thereof the following new sentence: "To carry out this section there is hereby authorized to be appropriated to the Commission, to be available until expended, not to exceed $4,600,000 for the period beginning July 1, 1975, and ending September 30, 1977 (of such amount not to exceed $800,000 shall be available for expenses of the Federal cochairman, his alternate and his staff), and not to exceed $5,000,000 for the two-fiscal-year period ending September 30, 1979 (of such amount not to exceed $900,000 shall be available for expenses of the Federal cochairman, his alternate and his staff).".

SEC. 107. Paragraph (7) of section 106 of the Appalachian Regional Development Act of 1965 (40 App. U.S.C. 106) is amended by striking out "June 30, 1975" and inserting in lieu thereof, "September 30, 1979".

SEC. 108. Paragraph (2) of section 106 of the Appalachian Regional Development Act of 1965 (40 App. U.S.C. 106) is amended by inserting after the first sentence the following: "The executive director shall be responsible for carrying out the administrative functions of the Commission, for direction of the Commission staff, and for such other duties as the Commission may assign.".

Plans and programs, public participation.

SEC. 109. Section 107 of the Appalachian Regional Development Act of 1965 (40 App. U.S.C. 107) is amended by inserting "(a)" after "SEC. 107." and adding the following new subsection:

"(b) Public participation in the development, revision, and implementation of all plans and programs under this Act by the Commission, any State or any local development district shall be provided for, encouraged, and assisted. The Commission shall develop and publish regulations specifying minimum guidelines for such public participation, including public hearings.".

Regulations.

Appalachian development highway system.

SEC. 110. Section 201 of the Appalachian Regional Development Act of 1965 (40 App. U.S.C. 201) is amended as follows:

(1) The third sentence of subsection (a) is amended by striking "two thousand seven hundred miles" and inserting in lieu thereof "two thousand nine hundred miles"; and the fourth sentence of subsection (a) is amended by striking "one thousand six hundred miles" and inserting in lieu thereof "one thousand four hundred miles".

Appropriation authorization.

(2) Subsection (g) is amended by striking "and $180,000,000 for the fiscal year ending June 30, 1978." and inserting in lieu thereof $250,000,000 for fiscal year 1978; $300,000,000 for fiscal year 1979; $300,000,000 for fiscal year 1980; and $170,000,000 for fiscal year 1981.".

Demonstration health projects.

SEC. 111. Section 202 of the Appalachian Regional Development Act of 1965 (40 App. U.S.C. 202) is amended as follows:

(1) The second sentence of subsection (a) is amended by (A) inserting after "not operated for profit" the phrase ", or previously operated for profit where the acquisition of such facilities is the most cost-effective means for providing increased health services if the Commission finds that but for the acquisition of such facility such health services would not be otherwise provided in the area served by such facility,", and (B) inserting after "made in accordance" the phrase "with section 223 of this Act and shall not be incompatible".

Post, p. 1033.

(2) The third sentence of subsection (c) of such section is amended by inserting "and title XX" after "title IV, parts A and B,".

Mining area restoration.

SEC. 112. Section 205 of the Appalachian Regional Development Act of 1965 (40 App. U.S.C. 205) is amended as follows:

(1) The first sentence of subsection (a)(1) is amended by striking "and to control and abate mine drainage pollution." and inserting in lieu thereof "to control and abate mine drainage pollution; and for planning or engineering for any such activities.".

(2) The first sentence of subsection (a)(2) is amended by inserting "planning, engineering, or" after "projects for".

(3) The second sentence of subsection (b) of such section is amended by inserting "(including, but not limited to, sand, clay, stone, culm, rock, spoil bank and noncombustible materials)" after "materials".

(4) Subsection (c) is amended to read as follows:

Waiver.

"(c) Whenever a State, local government, or other nonprofit applicant agrees to indemnify the Federal Government, or its officers, agents, or employees, for all claims of loss or damage resulting from the use and occupation of lands for a project assisted under this section, the Secretary may waive all requirements for the submission

of releases, consents, waivers, or similar instruments respecting such lands, but the Secretary may require security as he deems appropriate for any such indemnification agreement.".

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

"(d) No moneys authorized by this Act shall be expended for the purposes of reclaiming, improving, grading, seeding, or reforestation of strip-mined areas, except on lands owned by Federal, State, or local government bodies or by private nonprofit entities organized under State law to be used for public recreation, conservation, community facilities, or public housing.".

Grants and loans for housing projects.

SEC. 113. Section 207 of the Appalachian Regional Development Act of 1965 (40 App. U.S.C. 207) is amended as follows:

(1) Subsection (a) is amended to read as follows:

"(a) In order to encourage and facilitate the construction or rehabilitation of housing to meet the needs of low- and moderate-income families and individuals, the Secretary of Housing and Urban Development (hereafter in this section referred to as the 'Secretary') is authorized to make grants and loans from the Appalachian Housing Fund established by this section, under such terms and conditions as he may prescribe, to nonprofit, limited dividend, or cooperative organizations, and public bodies, for planning and obtaining federally insured mortgage financing or other financial assistance for housing construction or rehabilitation projects for low- and moderate-income families and individuals, under section 221 of the National Housing Act, section 8 of the United States Housing Act of 1937, section 515 of the Housing Act of 1949, or any other law of similar purpose administered by the Secretary or any other department, agency, or instrumentality of the Federal or State government, in any area of the Appalachian region determined by the Commission."

12 USC 1715*l*.
42 USC 1408.
42 USC 1485.

(2) Subsection (c)(2) is amended to read as follows:

"(2) The Secretary is authorized to make grants and commitments for grants, and may advance funds under such terms and conditions as he may require, to nonprofit, limited dividend, or cooperative organizations and public bodies for reasonable site development costs and necessary offsite improvements, such as sewer and water line extensions, whenever such a grant, commitment, or advance is essential to the economic feasibility of any housing construction or rehabilitation project for low- and moderate-income families and individuals which otherwise meets the requirements for assistance under this section, except that no such grant for the construction of housing, shall exceed 10 per centum of the cost of such project, and no such grant for the rehabilitation of housing shall exceed 10 per centum of the reasonable value of such rehabilitation housing, as determined by the Secretary.".

(3) Subsection (e) is amended by inserting before the period at the end, the following: "and may provide funds to the States for making grants and loans to nonprofit, limited dividend, or cooperative organizations and public bodies for the purposes for which the Secretary is authorized to provide funds under this section".

(4) By adding the following new subsection (f):

"(f) Programs and projects assisted under this section shall be subject to the provisions cited in section 402 of the Act, notwithstanding such section, to the extent provided in the laws authorizing assistance for low- and moderate-income housing.".

40 USC app. 402.

Vocational education facilities.

SEC. 114. Section 211 of the Appalachian Regional Development Act of 1965 (40 App. U.S.C. 214) is amended as follows:

40 USC app. 211.

(1) The first sentence of subsection (b)(1) is amended by striking out everything after "operating" and inserting in lieu thereof, "education projects which will serve to demonstrate areawide education planning, services, and programs, with special emphasis on vocational and technical education, career education, cooperative and recurrent education, guidance and counseling. Projects shall be selected with the involvement of all sectors of the community, including industry and labor.".

(2) Subsection (b)(2) is amended by striking out "a vocational and technical" and inserting in lieu thereof, "an".

(3)(a) The first and third sentences of subsection (b)(3) are amended by striking out "vocational and technical".

(b) The fourth sentence of subsection (b)(3) is amended by striking out "a vocational and technical" and inserting in lieu thereof, "an".

(4) Subsection (b)(4) is amended by striking out "a vocational and technical" and inserting in lieu thereof, "an".

(5) Subsection (b)(5) is amended to read as follows:

"(5) No grant for planning, construction, equipment, or operation of an education demonstration project shall be made unless the facility is publicly owned, but this shall not be deemed to preclude training or on-the-job employment activities away from such facility if the project is administered through a public body.".

SEC. 115. Section 214 of the Appalachian Regional Development Act of 1965 (40 App. U.S.C. 214) is amended as follows:

(1) The first sentence of subsection (a) of such section is amended by inserting after "projects", where it first appears in such subsection, "or activities (hereinafter referred to as projects)". "Federal grant-in-aid programs."

(2) The first sentence of subsection (c) of such section is amended to read as follows: "The term 'Federal grant-in-aid programs' as used in this section means those Federal grant-in-aid programs authorized on or before December 31, 1978, by this Act and Acts other than this Act for the acquisition or development of land, the construction or equipment of facilities, or other community or economic development or economic adjustment activities, including but not limited to grant-in-aid programs authorized by the following Acts: Federal Water Pollution Control Act; Watershed Protection and Flood Prevention Act; titles VI and XVI of the Public Health Services Act; Vocational Education Act of 1963; Library Services and Construction Act; Federal Airport Act; Airport and Airway Development Act of 1970; part IV of title III of the Communications Act of 1934; title VI (part A) and VII of the Higher Education Act of 1965; Land and Water Conservation Fund Act of 1965; National Defense Education Act of 1958; Consolidated Farm and Rural Development Act; titles I and IX of the Public Works and Economic Development Act of 1965; the housing repair program for homeowners authorized by section 1319 of title 42, United States Code; grants under the Indian Health Service Act (42 Stat. 208); and title I of the Housing and Community Development Act of 1974.". 33 USC 1151 note. 16 USC 1001 note. 42 USC 291, 300o. 20 USC 1241 note, 351 note. 49 USC 1701 note. 47 USC 390. 20 USC 1121, 1132a. 16 USC 460*l*-4 note. 20 USC 401 note. 7 USC 1921 note. 42 USC 3131, 3241. 25 USC 13, 52a. 42 USC 5301 note. 40 USC app. 224.

SEC. 116. Clause (1) of section 223 of the Appalachian Regional Development Act of 1965 (40 App. U.S.C. 223) is amended by striking "compatible" and inserting in lieu thereof "not incompatible". Clause (2) of section 223 of the Appalachian Regional Development Act of 1965 (40 App. U.S.C. 223) is amended to read as follows: "(2) the Commission has approved such program or project and has determined that it meets the applicable criteria under section 224 of this Act and the requirements of the development planning process under sec-

Infra.

tion 225, and will contribute to the development of the region, which determination shall be controlling and which shall be accepted by the Federal agencies.".

SEC. 117. Section 224 of the Appalachian Regional Development Act of 1965 (40 App. U.S.C. 224) is amended by adding at the end the following new subsection:

"(c) Funds may be provided for programs and projects in a State under this Act only if the Commission determines that the level of Federal and State financial assistance under Acts other than this Act for the same type of programs or projects in that portion of the State within the region, will not be diminished in order to substitute funds authorized by this Act.".

SEC. 118. There is inserted after section 224 of the Appalachian Regional Development Act of 1965 (40 App. U.S.C. 224) a new section as follows:

"APPALACHIAN STATE DEVELOPMENT PLANNING PROCESS

40 USC app. 225.

"SEC. 225. (a) Pursuant to policies established by the Commission, each State member shall submit on such schedule as the Commission shall prescribe a development plan for the area of the State within the region. The State development plan shall reflect the goals, objectives, and priorities identified in the regional development plan and in any subregional development plan which may be approved for the subregion of which such State is a part. Such State development plan shall (1) describe the State organization and continuous process for Appalachian development planning, including the procedures established by the State for the participation of local development districts in such process, the means by which such process is related to overall statewide planning and budgeting processes, and the method of coordinating planning and projects in the region under this Act, the Public Works and Economic Development Act of 1965, and other Federal, State, and local programs; (2) set forth the goals, objectives, and priorities of the State for the region, as determined by the Governor, and identify the needs on which such goals, objectives, and priorities are based; and (3) describe the development program for achieving such goals, objectives, and priorities, including funding sources, and recommendations for specific projects to receive assistance under this Act.

42 USC 3121 note.

40 USC app. 301.

"(b)(1) Local development districts certified by the State under section 301 of this Act provide the linkage between State and substate planning and development. In carrying out the development planning process, including the selection of programs and projects for assistance, States shall consult with local development districts, local units of government, and citizen groups and take into consideration the goals, objectives, priorities, and recommendations of such bodies. The districts shall assist the States in the coordination of areawide programs and projects, and may prepare and adopt areawide plans or action programs.

"(2) The Commission shall encourage the preparation and execution of areawide action programs which specify interrelated projects and schedules of actions together with the necessary agency fundings and other commitments to implement such programs. Such programs shall make appropriate use of existing plans affecting the area.

"(c) To the maximum extent practicable, Federal departments, agencies, and instrumentalities undertaking or providing financial

assistance for programs or projects in the region shall (1) take into account the policies, goals, and objectives established by the Commission and its member States pursuant to this Act; (2) recognize Appalachian State development programs approved by the Commission as satisfying requirements for overall economic development planning under such programs or projects; and (3) accept the boundaries and organization of any local development district certified under this Act which the Governor may designate as the areawide agency required under any such program undertaken or assisted by such Federal departments, agencies, and instrumentalities."

SEC. 119. Section 302 of the Appalachian Regional Development Act of 1965 (40 App. U.S.C. 302) is amended as follows:

(1) Subsection (a)(1) is amended by striking "including technical services," and inserting in lieu thereof "including the development of areawide plans or action programs and technical assistance activities,".

(2) Subsection (a) is amended by striking "and" after paragraph (1), by redesignating paragraph (2) as paragraph (3), and by inserting the following new paragraph:

"(2) to make grants to the Commission for assistance to States for a period not in excess of two years to strengthen the State development planning process for the region and the coordination of State planning under this Act, the Public Works and Economic Development Act of 1965, as amended, and other Federal and State programs; and". 42 USC 3121 note.

(3) Subsection (b) is amended to read as follows:

"(b)(1) Notwithstanding the provisions of section 224(b) (2), (3), or (4), the Commission may provide assistance under this section for demonstrations of enterprise development, including site acquisition or development where necessary for the feasibility of the project, in connection with the development of the region's energy resources and the development and stimulation of indigenous arts and crafts of the region. No more than $3,000,000 shall be obligated for such energy resource related demonstrations in any fiscal year, and no more than $2,500,000 shall be obligated for such indigenous arts and crafts demonstrations. 40 USC app. 224.

"(2) In carrying out the purposes of this Act, including section 2(b), and in implementing this section, the Federal Energy Administration, the Energy Research and Development Administration, the Environmental Protection Agency, and other Federal agencies shall cooperate with the Commission and shall provide such assistance as the Federal Cochairman may request. *Ante*, p. 1079.

"(3) The Commission shall conduct a study and report on the status of Appalachian migrants in the destinations to which they have migrated, current migration patterns and implications, and the impact which the Commission program has had, and the potential for such impact, on out-migration and the welfare of Appalachian migrants. The Commission is authorized to conduct pilot projects and demonstrations within the region in connection with such study. Migrants, study and report.

"(4) The Commission shall conduct a study of physical hazards which are constraints on land use in the Appalachian region (with emphasis on mudslides, landslides, sink holes, and subsidence) and the risks associated with such hazards. To the extent practicable, such study shall identify high-risk hazard areas throughout the Appalachian region. The Commission shall submit its report on such study, Physical hazards, study. Report to Congress.

together with recommendations for means to remove or avoid such constraints on land use, to the Congress not later than twenty-four months after the enactment of this paragraph.".

SEC. 120. Section 303 of the Appalachian Regional Development Act of 1965 (40 App. U.S.C. 303) is amended to read as follows:

"APPROVAL OF DEVELOPMENT PLANS, INVESTMENT PROGRAMS, AND PROJECTS

Annual review and approval.

40 USC app. 101.

"SEC. 303. State and Regional Development Plans and implementing investment programs, and any multistate subregional plans which may be developed, shall be annually reviewed and approved by the Commission in accordance with section 101(b) of this Act. An application for a grant or for any other assistance for a specific project under this Act shall be made through the State member of the Commission representing such applicant, and such State member shall evaluate the application for approval. Only applications for grants or other assistance for specific projects shall be approved which are certified by the State member and determined by the Federal Cochairman to implement the Commission-approved State development plan; to be included in the Commission-approved implementing investment program; to have adequate assurance that the project will be properly administered, operated, and maintained; and to otherwise meet the requirements for assistance under this Act. After the approval of the appropriate State development plan and implementing investment program, certification by a State member of an application for a grant or other assistance for a specific project pursuant to this section shall, when joined by an affirmative vote of the Federal Cochairman for such project, be deemed to satisfy the requirements for affirmative votes for decisions under section 101(b) of this Act.".

Appropriation authorization.

SEC. 121. Section 401 of the Appalachian Regional Development Act of 1965 (40 App. U.S.C. 401) is amended by adding at the end thereof the following new sentence: "In addition to the appropriations authorized in section 105 for administrative expenses, and in section 201(g) for the Appalachian development highway system and local access roads, there is authorized to be appropriated to the President, to be available until expended, to carry out this Act, $340,000,000 for the period beginning July 1, 1975, and ending September 30, 1977, and $300,000,000 for the two-fiscal year period ending September 30 1979.".

Termination.

SEC. 122. (a) Section 405 of the Appalachian Regional Development Act of 1965 (40 App. U.S.C. 405) is amended by striking "July 1, 1975" and inserting in lieu thereof, "October 1, 1979".

Report to Congress.
40 USC app. 2 note.
Ante, p. 1079.
40 USC app. 302.

(b) The Appalachian Regional Commission shall submit to Congress by July 1, 1977, a report on the progress being made on implementing section 2(b) of the Appalachian Regional Development Act of 1965, the energy related enterprise development demonstration authority in section 302 of such Act, and other amendments made by this title.

Repeal.
42 USC 3134.

SEC. 123. Section 104 of the Public Works and Economic Development Act of 1965 (42 U.S.C. 3121) is repealed.

40 USC app. 201 note.
40 USC app. 201.

SEC. 124. To the extent that any section of this title provides new or increased authority to enter into contracts under section 201 of the Appalachian Regional Development Act of 1965, such new or increased authority shall be effective for any fiscal year only in such amounts as are provided in appropriation acts.

TITLE II

Regional Action Planning Commission Improvement Act of 1975.

SEC. 201. This title may be cited as the "Regional Action Planning Commission Improvement Act of 1975".

42 USC 3181 note.

SEC. 202. Section 509(d) of the Public Works and Economic Development Act of 1965 (42 U.S.C. 3188(a)), as amended, is amended, to read as follows:

Appropriation authorization.

"(d)(1) There are authorized to be appropriated to the Secretary to carry out this title, for the two-fiscal-year period ending June 30, 1971, to be available until expended, not to exceed $225,000,000; and for the two-fiscal-year period ending June 30, 1973, to be available until expended, not to exceed $305,000,000; for the fiscal year ending June 30, 1974, to be available until expended, $95,000,000; for the fiscal year ending June 30, 1975, to be available until expended, $150,000,000; for the fiscal year ending June 30, 1976, to be available until expended, $200,000,000; for the transition quarter ending September 30, 1976, to be available until expended, $50,000,000; and for the fiscal year ending September 30, 1977, to be available until expended, $250,000,000. After deducting such amounts as are authorized to carry out subsections (a)(1) and (b) of section 505, the Secretary shall apportion the remainder of the sums appropriated under this authorization for any fiscal year among the regional commissions which have been established for more than two fiscal years.

42 USC 3188a.

42 USC 3185.

"(2) There are authorized to be appropriated to the Secretary as are necessary for the management and authorized activities under this title of any new commissions for their first two full fiscal years, for the fiscal year ending June 30, 1976, to be available until expended, not to exceed $5,000,000; for the transition quarter ending September 30, 1976, to be available until expended, not to exceed $1,250,000; and for the fiscal year ending September 30, 1977, to be available until expended, not to exceed $5,000,000."

SEC. 203. Section 513 of the Public Works and Economic Development Act of 1965, as amended, is amended to read as follows:

42 USC 3192.

"REGIONAL TRANSPORTATION

Investigation and studies.

"SEC. 513. (a) Each regional commission, with the assistance of the Secretary of Transportation, is authorized to conduct and facilitate full and complete investigations and studies of the transportation needs of economic development regions established under this title. Such studies and investigations should analyze the effectiveness of regional transportation systems for meeting the purposes of this Act. The information gathered from these studies and investigations should determine the types of transportation facilities needed in the region and be of value in planning for such transportation facilities.

Grants.

"(b) Each regional commission, with the assistance of the Secretary of Transportation, is authorized to make grants for the planning of regional transportation networks and to make grants for the construction, purchase of equipment, and operation (including payment of operating deficits) for transportation demonstration projects. Grants under this section shall be made solely out of funds specifically appropriated for the purpose of carrying out this title and shall not be taken into account in the computation of the allotments among the States made pursuant to any other provisions of law.

Cost limitation.

"(c) No grant for the construction or equipment for any component of a demonstration transportation project shall exceed 80 per centum of such cost. The Federal contribution may be provided entirely from funds authorized under this section or in combination with funds authorized under other Federal grant-in-aid programs for the construction of transportation facilities. Notwithstanding any other provision of law, funds authorized under this section may be used to increase the Federal share of any such project to 80 per centum of the cost of such facilities.

Federal share.

"(d) Not to exceed $5,000,000 of the funds apportioned to each regional commission under section 509 of this title shall be expended in any one fiscal year for the purpose of carrying out this section.".

42 USC 3188a.

SEC. 204. Title V of the Public Works and Economic Development Act of 1965, as amended, is amended by adding the following new section at the end thereof:

"ENERGY DEMONSTRATION PROJECTS AND PROGRAMS

42 USC 3194.

"SEC. 515. (a) Fundamental changes are occurring in national energy requirements and production which could result in short-term dislocation and result in major long-term effects on various regions of the country. Expanded energy production opportunities must maximize social and economic benefits while minimizing social and environmental costs to the regions experiencing increased energy development. In some regions, impacted by limited energy resources, severe problems disruptive of regional economies could result. The programs of the regional commissions provide an excellent framework for coordinating Federal, State, and local efforts toward (1) anticipating the effects of alternative energy policies and practices, (2) planning for accompanying growth and change so as to maximize social and economic benefits and minimize the social and environmental costs, and (3) implementing programs and projects carried out in the regions by Federal, State, or local government agencies so as to better meet the special problems generated in the regions by the Nation's energy needs and policies, including problems of transportation, housing, community facilities, and human services.

"(b) Each regional commission is authorized to carry out energy-related demonstration projects and programs within its regions including programs and projects addressing the social, economic, and environmental impact of energy development, requirements, and utilization. Grants shall be made only to those projects which are developed through regional planning designed to identify the effects of regional resource development, requirements, utilization, and impact. Each regional commission is authorized to carry out demonstration projects within its region in connection with the development and stimulation of indigenous art and crafts of the region.

"(c) Not to exceed $5,000,000 of the funds apportioned to each regional commission under section 509 of this title shall be expended in any one fiscal year for the purpose of carrying out the energy-related provisions of this section, and not to exceed $2,500,000 of such funds shall be expended in any one fiscal year for indigenous arts and crafts demonstrations.".

SEC. 205. Title V of such Act is further amended by adding the following new section at the end thereof:

"HEALTH AND NUTRITION DEMONSTRATION PROJECTS

"SEC. 516. (a) In order to demonstrate the value of adequate health facilities and services to the economic development of the region, the Secretary of Health, Education, and Welfare is authorized to make grants for the planning, construction, equipment, and operation of multicounty demonstration health, and nutrition projects including hospitals, regional health diagnostic and treatment centers, and other facilities and services necessary for the purpose of this section. Grants for such construction (including the acquisition of privately owned facilities not operated for profit or previously operated for profit where the acquisition of such facilities is the most cost effective means for providing increased health services, and initial equipment) shall be made after applications and plans relating to the program or project have been determined by the responsible Federal official to be compatible with the provisions and objectives of Federal laws which he administers that are not inconsistent with this title, and the regional commission has approved such program or project and determined that it will contribute to the development of the region, and shall not be incompatible with the applicable provisions of title VI of the Public Health Service Act (42 U.S.C. 291–291o), the Mental Retardation Facilities and Community Mental Health Centers Construction Act of 1963 (77 Stat. 282), and other laws authorizing grants for the construction of health-related facilities, without regard to any provisions therein relating to appropriation authorization ceilings or to allotments among the States. Grants under this section shall be made solely out of funds specifically appropriated for the purpose of carrying out this title and shall not be taken into account in the computation of the allotments among the States made pursuant to any other provision of law.

Grants.
42 USC 3195.

42 USC 2661 note.

"(b) No grant for the construction or equipment of any component of a demonstration health project shall exceed 80 per centum of such costs. The Federal contribution may be provided entirely from funds authorized under this title or in combination with funds provided under other Federal grant-in-aid programs for the construction or equipment of health-related facilities. Notwithstanding any provision of law limiting the Federal share in such other programs, funds authorized under this title may be used to increase Federal grants for component facilities of a demonstration health project to a maximum of 80 per centum of the costs of such facilities.

Federal share.

"(c) Grants under this section for operation (including initial operating funds and operating deficits comprising among other items the cost of attracting, training, and retaining qualified personnel) of a demonstration health project, whether or not constructed with funds authorized by this title, may be made for up to 100 per centum of the costs thereof for the two-year period beginning, for each component facility or service assisted under any such operating grant, on the first day that such facility or service is in operation as a part of the project. For the next three years of operation such grants shall not exceed 75 per centum of such costs. The Federal contributions may be provided entirely from funds appropriated to carry out this title or in combination with funds provided under other Federal grant-in-aid programs for the operation of health related facilities and the provision of health services, including title IV, parts A and B, and title XX of the Social Security Act. Notwithstanding any provision of the Social Security

42 USC 3161, 3171, 1397.

Act requiring assistance or services on a statewide basis, if a State provides assistance or services under such a program in any area of the region approached by the regional commission, such State shall be considered as meeting such requirement. Notwithstanding any provision of law limiting the Federal share in such other programs, funds appropriated to carry out this section may be used to increase Federal grants for operating components of a demonstration health project to the maximum percentage cost thereof authorized by this subsection. No grant for operation of a demonstration health project shall be made unless the facility is publicly owned, or owned by a public or private nonprofit organization, and is not operated for profit. No grants for operation of a demonstration health project shall be made after five years following the commencement of the initial grant for operation of the project. No such grants shall be made unless the Secretary of Health, Education, and Welfare is satisfied that the operation of the project will be conducted under efficient management practices designed to obviate operating deficits. A health-related facility constructed under title I of this Act may be a component of a demonstration health project eligible for operating grant assistance under this section.".

42 USC 3131.

Grants.

SEC. 206. Title V of such Act is further amended by inserting at the end thereof the following new section:

"EDUCATION DEMONSTRATION PROJECTS

42 USC 3196.

"SEC. 517. (a) In order to assist in the expansion and improvement of educational opportunities and services for the people of the region, the Secretary of the Department of Health, Education, and Welfare is authorized to make grants for planning, construction, equipping, and operating vocational and technical educational projects which will serve to demonstrate areawide educational planning, services, and programs. Grants under this section shall be made solely out of funds specifically appropriated for the purposes of this title and shall not be taken into account in any computation of allotments among the States pursuant to any other law.

"(b) No grant for the construction or equipment of any component of a vocational and technical education demonstration project shall exceed 80 per centum of its cost.

"(c) Grants under this section for operation of components of vocational and technical educational demonstration projects, whether or not constructed by funds authorized by this title, may be made for up to 100 per centum of the costs thereof for the two-year period beginning on the first day that such component is in operation as a part of the project. For the next three years of operation, such grants shall not exceed 75 per centum of such costs. No grants for operation of vocational and technical education demonstration projects shall be made after five years following the commencement of the initial grant for operation of the project. An education-related facility constructed under title I of this Act may be a component of a vocational and technical education demonstration project eligible for operating grant assistance under this section.

"(d) No grant for expenses of planning necessary for the development and operation of a vocational and technical education demonstration project shall exceed 75 per centum of such expenses.

"(e) No grant for planning, construction, operation, or equipment of a vocational and technical education demonstration project shall be made unless the facility is publicly owned.

"(f) Any Federal contribution referred to in this section may be provided entirely from funds appropriated to carry out this section, or in combination with funds available under other Federal grant-in-aid programs providing assistance for education-related facilities or services. Notwithstanding any provision of law limiting the Federal share in such programs, funds appropriated to carry out this section may be used to increase such Federal share to the maximum percentage cost thereof authorized by the applicable paragraph of this subsection.". Federal share.

SEC. 207. Each regional commission established pursuant to title V of the Public Works and Economic Development Act of 1965 shall submit to the Committees on Public Works of the Senate and House of Representatives within one hundred and twenty days after enactment of this Act the Regional Economic Development Plan required under section 503(a)(2) of the Public Works and Economic Development Act of 1965. Regional Economic Development Plan, submittal to congressional committees. 42 USC 3183 note.

SEC. 208. (a) The second and third sentences of section 502(b) of the Public Works and Economic Development Act of 1965 are amended to read as follows: "Each State member shall be the Governor. The State members of the commission shall elect a cochairman of the commission from among their number for a term of not less than one year." 42 USC 3181. 42 USC 3183. 42 USC 3182.

(b) Section 502(c) of the Public Works and Economic Development Act of 1965 is amended by adding at the end thereof the following new sentence: "No decision involving commission policy, approval of regional development plan, implementing investment programs, or allocating funds among the States may be made without a quorum of State members present.".

(c) The first sentence of section 502(d) of the Public Works and Economic Development Act of 1965 is amended to read as follows: "Each State member may have a single alternate, appointed by the Governor from among the members of the Governor's cabinet or the Governor's personal staff.".

(d) Such section 502(d) is further amended by adding at the end thereof the following new sentences: "A State alternate shall not be counted toward the establishment of a quorum of the commission in any instance in which a quorum of the State members is required to be present. No commission power or responsibility specified in the last sentence of subsection (c) of this section, nor the vote of any commission member, may be delegated to any person not a commission member or who is not entitled to vote in commission meetings.".

SEC. 209. (a) Section 501(a) of the Public Works and Economic Development Act of 1965 (42 U.S.C. 3181), as amended, is amended by inserting "and the Commonwealth of Puerto Rico and the Virgin Islands and the States of California and Texas" after "with the exception of Alaska and Hawaii,".

(b) Section 502(f) of such Act of 1965 (42 U.S.C. 3182) is amended by inserting after "Hawaii" the following "or the State of California or the State of Texas", and by striking out "either" and inserting in lieu thereof "any such".

42 USC 3183 note.
42 USC 3181.

(c) It is the intent of Congress that the Secretary of Commerce acting under authority of title V of the Public Works and Economic Development Act of 1965 should invite and encourage the formation of a regional commission for the region along the border with Mexico in the States of Texas, New Mexico, Arizona, and California.

Approved December 31, 1975.

LEGISLATIVE HISTORY:

HOUSE REPORTS: No. 94-202 (Comm. on Public Works and Transportation) and No. 94-727 (Comm. of Conference).

SENATE REPORTS: No. 94-278 accompanying S. 1513 (Comm. on Public Works) and No. 94-552 (Comm. of Conference).

CONGRESSIONAL RECORD, Vol. 121 (1975):

May 19, considered and passed House.

July 17, considered and passed Senate, amended, in lieu of S. 1513.

Dec. 16, Senate agreed to conference report.

Dec. 17, House agreed to conference report.

Public Law 94–189
94th Congress

An Act

To provide for the disposition of funds appropriated to pay certain Indian Claims Commission judgments in favor of the Sac and Fox Indians, and for other purposes.

Dec. 31, 1975
[H.R. 4016]

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

Indians.
Sac and Fox Indians.
Judgement funds.

(1) the funds appropriated by the Act of October 21, 1968 (82 Stat. 1190, 1198), to pay a judgment to the Sac and Fox Tribe of Oklahoma and the Sac and Fox Tribe of Mississippi in Iowa in Indian Claims Commission docket 219;

(2) the funds appropriated by the Acts of July 6, 1970 (84 Stat. 376), and March 21, 1972 (86 Stat. 86), to pay judgments to the Sac and Fox Nation in Indian Claims Commission dockets 153 and 135, respectively;

(3) any funds which are now or which may hereafter be appropriated to satisfy any final award of the Indian Claims Commission to the Sac and Fox Nation in dockets 158, 231, and 83; and

(4) the amount of $20,421.78 from funds appropriated by the Act of June 12, 1975 (89 Stat. 193, 194), to pay a judgment to the Sac and Fox Nation in Indian Claims Commission docket 95,

shall, together with interest earned thereon and after the payment of attorney fees and other litigation expenses, be distributed as hereinafter provided.

Distribution.

SEC. 2. (a) The funds in docket 219 shall be divided between the Sac and Fox Tribe of Oklahoma and the Sac and Fox Tribe of the Mississippi in Iowa, and the funds in dockets 153 and 135, 158, 231, 83 and that portion of docket 95 as provided in paragraph (4) of section 1 hereof, shall be divided among the Sac and Fox Tribe of Oklahoma, the Sac and Fox Tribe of the Mississippi in Iowa, and the Sac and Fox Tribe of the Missouri in Kansas and Nebraska, on the basis of the relative numbers of members of each tribe who were enrolled on or who were entitled to be enrolled on the census rolls of each tribe as of January 1, 1937.

Ninety-day identification period.

(b) For the purpose of carrying out the provisions of section 2(a) of this Act, each Sac and Fox Tribe shall have not to exceed ninety days from the date of this Act in which to identify those persons, living or deceased, who were inadvertently omitted from the January 1, 1937, census roll of the tribe.

(c) The provisions of section 2(a) of this Act shall apply only to the division of the judgment funds described in section 1 of this Act, between or among the respective Sac and Fox Tribes, as appropriate, and nothing in this section shall be construed as applicable to the payment per capita of any portion of the share of any Sac and Fox Tribe that may be so distributed.

SEC. 3. After the judgment funds are divided as provided in section 2(a) of this Act, the sum of $5,000, together with appropriate interest thereon for not less than one day, shall be deducted from the share of the judgment funds that is due the Sac and Fox Tribe of Kansas and Nebraska from the judgment in docket 153, and shall be divided between the Sac and Fox Tribes of Iowa and of Oklahoma

according to the formula for division of the judgment funds as provided in section 2(a).

SEC. 4. (a) The funds, as divided under the provisions of this Act, may be utilized for any purposes that are authorized by the respective tribal governing bodies and approved by the Secretary of the Interior: *Provided*, That not less than 20 per centum, together with accrued interest thereon, of the share of each Sac and Fox Tribe shall be used for programing purposes.

(b) Any portion of the share of the judgment funds accruing to any Sac and Fox Tribe that may be distributed in individual shares shall be paid to persons whose names appear on the membership roll of said tribe compiled in accordance with the membership criteria of the tribe's constitution, made current as of the date of this Act.

SEC. 5. Sums payable to enrollees or their heirs or legatees who are less than eighteen years of age or who are under a legal disability shall be paid in accordance with such procedures, including the establishment of trusts, as the Secretary of the Interior determines appropriate to protect the best interests of such persons.

Tax exemption.

SEC. 6. None of the funds distributed per capita or held in trust under the provisions of this Act shall be subject to Federal or State income taxes, nor shall such funds or their availability be considered as income or resources or otherwise utilized as the basis for denying or reducing the financial assistance or other benefits to which such household or member would otherwise be entitled to under the Social Security Act or any other Federal or federally assisted program.

42 USC 1305.

Rules and regulations.

SEC. 7. The Secretary of the Interior is authorized to prescribe rules and regulations to carry out the provisions of this Act.

Approved December 31, 1975.

LEGISLATIVE HISTORY:

HOUSE REPORT No. 94–712 (Comm. on Interior and Insular Affairs).
SENATE REPORT No. 94–555 accompanying S. 1823 (Comm. on Interior and Insular Affairs).
CONGRESSIONAL RECORD, Vol. 121 (1975):
Dec. 16, considered and passed House.
Dec. 19, considered and passed Senate, in lieu of S. 1823.

Public Law 94-190
94th Congress

An Act

To provide for emergency relief for small business concerns in connection with fixed-price Government contracts.

Dec. 31, 1975
[H.R. 5541]

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

Small Business Emergency Relief Act.

SHORT TITLE

SECTION 1. This Act may be cited as the "Small Business Emergency Relief Act". 41 USC 252 note.

POLICY

SEC. 2. It is the policy of Congress to provide relief to small business concerns which have fixed-price Government contracts in cases where such concerns have suffered or can be expected to suffer serious financial loss because of significant and unavoidable difficulties during performance because of the energy crisis or rapid and unexpected escalations of contract costs. 41 USC 252 note.

DEFINITIONS

SEC. 3. As used in this Act— 41 USC 252 note.

(1) the term "executive agency" means an executive department, a military department, and an independent establishment within the meaning of sections 101, 102, and 104(1) respectively, of title 5, United States Code, and also a wholly owned Government corporation within the meaning of section 101 of the Government Corporation Control Act; and 31 USC 846.

(2) the term "small business concern" means any concern which falls under the size limitations of the "Small Business Administrator's Definitions of Small Business for Government Procurement."

AUTHORITY

SEC. 4. (a) Pursuant to an application by a small business concern, the head of any executive agency may terminate for the convenience of the Government any fixed-price contract between that agency and such small business concern, upon a finding that— Fixed price contracts, termination or modification. Application. 41 USC 252 note.

(1) during the performance of the contract, the concern has suffered or can be expected to suffer serious financial loss due to significant unanticipated cost increases directly affecting the cost of contract compliance; and

(2) the conditions which have caused or are causing such cost increases were, or are being, experienced generally by other small business concerns in the market at the same time and are not caused by negligence, underbidding, or other special management factors peculiar to that small business concern.

(b) Upon application under subsection (a) by a small business concern to terminate a fixed-price contract between an executive agency and such small business concern, the head of the executive agency may modify the terms of the contract in lieu of termination for the convenience of the Government only if he finds after review of the application that—

(1) (a) the agency would reprocure the supplies or services in the event that the contract was terminated for the convenience of the Government; and

(b) the cost of terminating the contract for the convenience of the Government plus the cost of reprocurement would exceed the amount of the contract as modified; and

(2) Any such modification shall be made in compliance with cost comparison and compensation guidelines to be issued by the Administrator of the Office of Federal Procurement Policy. Such cost comparison and compensation guidelines shall be promulgated by the Administrator not later than 10 days after enactment of this Act.

(c) If a small business concern in performance of a fixed-price Government contract experiences or has experienced shortages of energy, petroleum products, or products or components manufactured or derived therefrom or impacted thereby, and such shortages result in a delay in the performance of a contract, the head of the agency, or his designee, shall provide by modification to the contract for an appropriate extension of the contract delivery date or period of performance.

Request for relief, documentation and certification.

(d) A small business concern requesting relief under subsection (a) shall support that request with the following documentation and certification:

(1) a brief description of the contract, indicating the date of execution and of any amendment thereto, the items being procured, the price and delivery schedule, and any revision thereof, and any other special contractual provision as may be relevant to the request;

(2) a history of performance indicating when work under the contract or commitment was begun, the progress made as of the date of the application, an exact statement of the contractor's remaining obligations, and the contractor's expectations regarding completion thereof;

(3) a statement of the factors which have caused the loss under the contract;

(4) a statement as to the course of events anticipated if the request is denied;

(5) a statement of payments received, payments due and payments yet to be received or to become due, including advance and progress payments, and amounts withheld by the Government, and information as to other obligations of the Government, if any, which are yet to be performed under the contract;

(6) a statement and evidence of the contractor's original breakdown of estimated costs, including contingency allowances and profit;

(7) a statement and evidence of the contractor's present estimate of total costs under the contract if enabled to complete, broken down between costs accrued to date of request, and runout costs, and as between costs for which the contractor has made payment and those for which he is indebted at the time of the request;

(8) a statement and evidence of the contractor's estimate of the final price of the contract, giving effect to all escalation, changes, extras, and other comparable factors known or contemplated by the contractor;

(9) a statement of any claims known or contemplated by the contractor against the Government involving the contract in question, other than those referred to under (8) above;

(10) an estimate of the contractor's total profit or loss under the contract if required to complete at the original contract price;

(11) an estimate of the total profits from other Government business, and all other sources, during the period from the date of the first contract involved to the latest estimated date of completion of any other contracts involved;

(12) balance sheets, certified by a certified public accountant, as of the end of the contractor's fiscal year first preceding the date of the first contract, as of the end of each subsequent fiscal year, and as of the date of the request together with income statements for annual periods subsequent to the date of the first balance sheet; and

(13) a list of all salaries, bonuses, and all other forms of compensation of the principal officers or partners and of all dividends and other withdrawals, and all payments to stockholders in any form since the date of the first contract involved.

DELEGATION

SEC. 5. The head of each executive agency shall delegate authority conferred by this Act, to the extent practicable, to an appropriate level that will permit the expeditious processing of applications under this Act and to insure the uniformity of its application. 41 USC 252 note.

LIMITATIONS

SEC. 6. (a) The authority prescribed in section 4(a) shall apply only to contracts which have not been completely performed or otherwise terminated and which were entered into during the period from August 15, 1971, through October 31, 1974. 41 USC 252 note.

(b) The authority conferred by section 4(a) of this Act shall terminate September 30, 1976. Termination date.

Approved December 31, 1975.

LEGISLATIVE HISTORY:

HOUSE REPORTS: No. 94-154 (Comm. on Small Business) and No. 94-724 (Comm. of Conference).

SENATE REPORT No. 94-378 accompanying S. 1259 (Comm. on Government Operations).

CONGRESSIONAL RECORD, Vol. 121 (1975):

Apr. 22, considered and passed House.

Oct. 29, S. 1259, considered in Senate.

Oct. 30, considered and passed Senate, amended, in lieu of S. 1259.

Dec. 15, House agreed to conference report.

Dec. 17, Senate agreed to conference report.

Public Law 94–191
94th Congress

An Act

Dec. 31, 1975
[H.R. 4287]

To provide for additional law clerks for the judges of the District of Columbia Court of Appeals.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That chapter 7 of title 11, District of Columbia Code, is amended as follows:

D.C. Court of Appeals, additional law clerks.

Section 11–708 is amended to read:

D.C. Code 11–701 *et seq.*

"§ 11–708. Clerks and secretaries for judges

D.C. Code 11–708.

"Each judge may appoint and remove a personal secretary. The chief judge may appoint and remove three personal law clerks, and each associate judge may appoint and remove two personal law clerks. In addition, the chief judge may appoint and remove not more than three law clerks for the court. The law clerks appointed for the court shall serve as directed by the chief judge.".

SEC. 2. That the District of Columbia Law Revision Commission Act, approved August 21, 1974, is amended as follows:

Personnel, compensation.

Section 2(i) of such Act (D.C. Code, sec. 49–401(i)), is amended to read as follows:

"The Commission may appoint and fix the compensation of such personnel as it deems advisable. Such personnel shall be appointed without regard to the provisions of title 5 of the United States Code, governing appointments in the competitive service. The Commission may appoint a Director. Such appointment shall be made without regard to the provisions of title 5 of the United States Code, governing appointments in the competitive service. The Director shall serve at the pleasure of the Commission and shall be entitled to receive compensation at the maximum rate as may be established from time to time for grade 16 of the General Schedule in section 5332 of title 5 of the United States Code. The Commission may also appoint a General Counsel without regard to the provisions of title 5 of the United States Code governing appointments in the competitive service, to serve at the pleasure of the Commission. The General Counsel shall be entitled to receive compensation at the same rate as the Director and shall be responsible solely to the Commission.

5 USC 5332 note.

"Persons appointed to the staff of the Commission shall be appointed solely on the basis of their ability to perform the duties of the Commission without regard to political party affiliation. Employees of the Commission shall be regarded as employees of the District of Columbia Government.".

Approved December 31, 1975.

LEGISLATIVE HISTORY:

HOUSE REPORT No. 94–596 (Comm. on the District of Columbia).
SENATE REPORT No. 94–523 (Comm. on the District of Columbia).
CONGRESSIONAL RECORD, Vol. 121 (1975):
Nov. 10, considered and passed House.
Dec. 12, considered and passed Senate, amended.
Dec. 19, House concurred in Senate amendment.

Public Law 94-192
94th Congress

An Act

To amend certain provisions of the Communications Act of 1934 to provide long-term financing for the Corporation for Public Broadcasting, and for other purposes.

Dec. 31, 1975
[H.R. 6461]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Public Broadcasting Financing Act of 1975".

Public Broadcasting Financing Act of 1975.
47 USC 396 note.

SEC. 2. Subsection 396(k) of the Communications Act of 1934 is amended by inserting after paragraph (2), the following paragraphs:

"(3) There is hereby established in the Treasury a fund which shall be known as the 'Public Broadcasting Fund' administered by the Secretary of the Treasury. There are authorized to be appropriated to such fund for each of the fiscal years during the period beginning July 1, 1975, and ending September 30, 1980, an amount equal to 40 per centum of the total amount of non-Federal financial support received by public broadcasting entities during the fiscal year second preceding each such fiscal year, and for the period July 1, 1976, through September 30, 1976, an amount equal to 10 per centum of the total amount of non-Federal financial support received by public broadcasting entities during the fiscal year ending June 30, 1975; except that the amount so appropriated shall not exceed $88,000,000 for the fiscal year ending June 30, 1976; $22,000,000 for the period July 1, 1976, through September 30, 1976; $103,000,000 for the fiscal year ending September 30, 1977; $121,000,000 for the fiscal year ending September 30, 1978; $140,000,000 for the fiscal year ending September 30, 1979; and $160,000,000 for the fiscal year ending September 30, 1980.

Public Broadcasting Fund.
Establishment.
47 USC 396.
Appropriation authorization.

"(4) The funds authorized by this subsection shall be used solely for the expenses of the Corporation. The Corporation shall determine the amount of non-Federal financial support received by public broadcasting entities during each of the fiscal years indicated in paragraph (3) of this subsection for the purpose of determining the amount of each authorization, and shall certify such amount to the Secretary of the Treasury. Upon receipt of such certification, the Secretary of the Treasury shall disburse to the Corporation, from such funds as may be appropriated to the Public Broadcasting Fund, the amount authorized for each of the fiscal years and for the period July 1, 1976, through September 30, 1976, pursuant to the provisions of this subsection.

"(5) The Corporation shall reserve for distribution among the licensees and permittees of noncommercial educational broadcast stations that are on-the-air an amount equal to not less than 40 per centum of the funds disbursed to the Corporation from the Public Broadcasting Fund during the period July 1, 1975, through September 30, 1976, and in each fiscal year in which the amount disbursed is $88,000,000 or more, but less than $121,000,000; not less than 45 per centum in each fiscal year in which the amount disbursed is $121,000,000 or more, but less than $160,000,000; and not less than 50 per centum in each fiscal year in which the amount disbursed is $160,000,000.

Noncommercial educational broadcast stations.

"(6) The Corporation shall, after consultation with licensees and permittees of noncommercial educational broadcast stations that are on-the-air, establish, and review annually, criteria and conditions

Conditions, annual review.

regarding the distribution of funds reserved pursuant to paragraph (5) of this subsection, as set forth below:

Grants.

"(A) The total amount of funds shall be divided into two portions, one to be distributed among radio stations, and one to be distributed among television stations. The Corporation shall make a basic grant from the portion reserved for television stations to each licensee and permittee of a noncommercial educational television station that is on-the-air. The balance of the portion reserved for television stations and the total portion reserved for radio stations shall be distributed to licensees and permittees of such stations in accordance with eligibility criteria that promote the public interest in noncommercial educational broadcasting, and on the basis of a formula designed to—

"(i) provide for the financial need and requirements of stations in relation to the communities and audiences such stations undertake to serve;

"(ii) maintain existing, and stimulate new, sources of non-Federal financial support for stations by providing incentives for increases in such support; and

"(iii) assure that each eligible licensee and permittee of a noncommercial educational radio station receives a basic grant.

Limitation.

"(B) No distribution of funds pursuant to this subsection shall exceed, in any fiscal year, one-half of a licensee's or permittee's total non-Federal financial support during the fiscal year second preceding the fiscal year in which such distribution is made.

"(7) Funds distributed pursuant to this subsection may be used at the discretion of stations for purposes related to the provision of educational television and radio programing, including but not limited to the following: producing, acquiring, broadcasting, or otherwise disseminating educational television or radio programs; procuring national or regional program distribution services that make educational television or radio programs available for broadcast or other dissemination at times chosen by stations; acquiring, replacing, and maintaining facilities, and real property used with facilities, for the production, broadcast, or other dissemination of educational television and radio programs: developing and using nonbroadcast communications technologies for educational television or radio programing purposes.".

47 USC 396.

SEC. 3. Subsection 396(g)(2)(H) of the Communications Act of 1934 is amended by deleting the period after "broadcasting" and inserting the following: "and the use of nonbroadcast communications technologies for the dissemination of educational television or radio programs.".

Testimony before congressional committees.

SEC. 4. Subsection 396(i) of the Communications Act of 1934 is amended by adding at the end thereof the following sentence: "The officers and directors of the Corporation shall be available to testify before appropriate committees of the Congress with respect to such report, the report of any audit made by the Comptroller General pursuant to subsection 396(l), or any other matter which any such committee may determine.".

47 USC 397.

SEC. 5. Section 397 of the Communications Act of 1934 is amended by inserting, after paragraph (9), the following paragraphs:

"Non-Federal financial support."

"(10) The term 'non-Federal financial support' means the total value of cash and the fair market value of property and services (except for personal services of volunteers) received—

"(A) as gifts, grants, bequests, donations, or other contributions for the construction or operation of noncommercial educational broadcast stations, or for the production, acquisition, distribution, or dissemination of educational television or radio

programs, and related activities, from any source other than (i) the United States or any agency or establishment thereof, or (ii) any public broadcasting entity; or

"(B) as gifts, grants, donations, contributions, or payments from any State, any agency or political subdivision of a State, or any educational institution, for the construction or operation of noncommercial educational broadcast stations or for the production, acquisition, distribution, or dissemination of educational television or radio programs, or payments in exchange for services or materials respecting the provision of educational or instructional television or radio programs.

"(11) The term 'public broadcasting entity' means the Corporation, any licensee or permittee of a noncommercial educational broadcast station, or any nonprofit institution engaged primarily in the production, acquisition, distribution, or dissemination of educational television or radio programs.". "Public broadcasting entity."

Approved December 31, 1975.

LEGISLATIVE HISTORY:

HOUSE REPORTS: No. 94-245 pt. I (Comm. on Interstate and Foreign Commerce), No. 94-245, pt. 2 (Comm. on Appropriations) and No. 94-713 (Comm. of Conference).

SENATE REPORTS: No. 94-55 accompanying S. 893 (Comm. on Commerce) and No. 94-447 accompanying S. 2584 (Comm. on Commerce).

CONGRESSIONAL RECORD, Vol. 121 (1975):

Nov. 10, considered and passed House.

Nov. 17, considered and passed Senate, amended, in lieu of S. 2584.

Dec. 10, Senate agreed to conference report.

Dec. 17, House agreed to conference report.

WEEKLY COMPILATION OF PRESIDENTIAL DOCUMENTS, Vol. 12, No. 1:

Jan. 1, Presidential statement.

Public Law 94–193
94th Congress

An Act

Dec. 31, 1975
[H.R. 10035]

To establish the Judicial Conference of the District of Columbia.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) subchapter III of chapter 7 of title 11 of the District of Columbia Code is amended by adding at the end thereof the following new section:

Judicial Conference of the District of Columbia. Establishment.

"§ 11–744. Judicial conference

D.C. Code 11–741. D.C. Code 11–744.

"The chief judge of the District of Columbia Court of Appeals shall summon annually the active associate judges of the District of Columbia Court of Appeals and the active judges of the Superior Court of the District of Columbia to a conference at a time and place that he designates, for the purpose of advising as to means of improving the administration of justice within the District of Columbia. He shall preside at such conference which shall be known as the Judicial Conference of the District of Columbia. Every judge summoned shall attend, and, unless excused by the chief judge of the District of Columbia Courts of Appeals, shall remain throughout the conference. The District of Columbia Court of Appeals shall provide by its rules for representation of and active participation by members of the District of Columbia Bar and other persons active in the legal profession at such conference.".

(b) The chapter analysis for such chapter 7 is amended by inserting immediately after the item relating to section 11–743 the following new item:

"11–744. Judicial conference.".

20 USC 881.

(c) The portion of section 801 of the Elementary and Secondary Education Act of 1965 which precedes subsection (a), is amended by striking out "As used in titles II, III, V, VI, and VII," and inserting in lieu thereof, "As used in titles II, III, IV, V, VI, and VII".

20 USC 821, 841, 331, 861, 1401, 880b.

Approved December 31, 1975.

LEGISLATIVE HISTORY:

HOUSE REPORT No. 94–615 (Comm. on the District of Columbia).
SENATE REPORT No. 94–524 (Comm. on the District of Columbia).
CONGRESSIONAL RECORD, Vol. 121 (1975):
Nov. 10, considered and passed House.
Dec. 12, considered and passed Senate, amended.
Dec. 19, House concurred in Senate amendment.

Public Law 94-194
94th Congress

An Act

To amend the national reading improvement program to provide more flexibility in the types of projects which can be funded, and for other purposes.

Dec. 31, 1975
[H.R. 8304]

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

National reading improvement program.

STATE LEADERSHIP AND TRAINING PROJECTS

SECTION 1. (a) Section 705(a) of the Education Amendments of 1974 is amended by adding at the end thereof the following new paragraph: 20 USC 1921.

"(3)(A) Notwithstanding the requirements of paragraphs (b) through (g) of this section, the Commissioner is authorized to enter into agreements pursuant to this paragraph during the fiscal year 1976 and the period beginning July 1, 1976 through September 30, 1976, with State educational agencies for the carrying out by such agencies of leadership and training activities designed to prepare personnel throughout the State to conduct projects which have been demonstrated in that State or in other States to be effective in overcoming reading deficiencies. These activities shall be limited to (i) assessments of need, including personnel needs, relating to reading problems in the State, (ii) inservice training for local reading program administrators and instructional personnel, and (iii) provision of technical assistance and dissemination of information to local educational agencies and other appropriate nonprofit agencies.

"(B) Not to exceed $5,300,000 of any sums appropriated pursuant to subsection (a) of section 732 for the fiscal year 1976, and for the period from July 1, 1976 through September 30, 1976, may be used for carrying out this paragraph.". 20 USC 1982.

(b)(1) Part C of such Act is amended by adding after section 723 the following new section:

"STATE LEADERSHIP AND TRAINING PROJECTS

"SEC. 724. The Commissioner is authorized to enter into agreements pursuant to this section with State educational agencies for the carrying out by such agencies of leadership and training activities designed to prepare personnel throughout the State to conduct projects which have been demonstrated in that State or other States to be effective in overcoming reading deficiencies. The activities authorized by this section shall be limited to— 20 USC 1964.

"(1) assessments of need, including personnel needs, relating to reading problems in the State,

"(2) inservice training for local reading program administrators and instructional personnel, and

"(3) provision of technical assistance and dissemination of information to local educational agencies and other appropriate nonprofit agencies.".

(2) The amendment made by paragraph (1) of this subsection shall take effect on October 1, 1976. Effective date. 20 USC 1964 note.

20 USC 1921.

(3) Section 705(a)(3) of the Education Amendments of 1974 as added by subsection (a) of this section is repealed effective September 30, 1976.

Appropriation authorization.
20 USC 1982.
Ante, p. 1103.

(c) Section 732 of such Act is amended by adding at the end thereof the following new subsection:

"(e) There are authorized to be appropriated to carry out the provisions of section 724, relating to State leadership and training projects, $6,400,000 each for the fiscal year ending September 30, 1977, and for the succeeding fiscal year.".

READING PROGRAM REQUIREMENTS

SEC. 2. (a) Section 705(b) of such Act is amended by striking out "Each such application shall set forth a reading program which provides for—" and by inserting in lieu thereof "Each such application shall set forth a reading program which provides for the following (except that the requirements contained in paragraphs (4) and (13) shall be met to the extent practicable)—".

(b) Section 705(c) of such Act is amended by striking out ", in addition to meeting the requirements of subsection (b)", and by inserting in lieu thereof ", in addition to meeting the requirements of subsection (b), except for paragraphs (4) and (13) thereof,".

(c) Section 705(c)(3) of such Act is amended by inserting "at" before the phrase "which such preelementary".

(d) Section 705(e) of such Act is amended to read as follows:

"(e) No agreement may be entered into under this part unless the application submitted to the Commissioner has first been approved by the State educational agency."

STATE ADMINISTRATIVE COSTS

SEC. 3. Section 705 of such Act is amended by adding at the end thereof the following new subsection:

"(h) From the sums appropriated for the purposes of this part for any fiscal year, the Commissioner may pay to each State educational agency, in addition to any amounts paid to such agency pursuant to subsection (a) of this section, the amount necessary to meet the costs of carrying out its responsibilities under this section, including the costs of the advisory council required to be established pursuant to subsection (d). However, such amount may not exceed 1 per centum of the total amount of grants under this part made within the State for that fiscal year."

STATE ADVISORY COUNCILS

20 USC 1944.

SEC. 4. Section 714 of such Act is amended by adding at the end thereof the following new subsection:

"(f) The functions of the State advisory council on reading, required to be established by subsection (a)(2) of this section, may be carried out by the State advisory council created pursuant to section 705(d)(1)."

READING ACADEMIES

20 USC 1963.

SEC. 5. Section 723(a) of such Act is amended by inserting "in-school as well as out-of-school" before "youths"

NATIONAL IMPACT READING PROGRAMS

SEC. 6. (a) Part C of title VII of such Act is amended by adding the following new section after section 724:

"NATIONAL IMPACT READING PROGRAMS

"SEC. 725. (a) The Commissioner is authorized to carry out, either directly or through grants or contracts, (1) innovation and development projects and activities of national significance which show promise of having a substantial impact in overcoming reading deficiencies in children, youths, and adults through incorporation into ongoing State and local educational systems throughout the Nation, and (2) dissemination of information related to such programs. 20 USC 1965.

"(b) Not to exceed $600,000 of any sums appropriated pursuant to subsection (a) of section 732 for the fiscal year 1976, and for the period from July 1, 1976 through September 30, 1976, may be used for carrying out this section." 20 USC 1982.

(b) (1) Section 725 of the Education Amendments of 1974 as added by subsection (a) of this section is amended by striking out "(a)" after the section designation and by striking out subsection (b) of such section. 20 USC 1965 note.

(2) The amendment made by paragraph (1) of this subsection shall take effect on September 30, 1976. Effective date.

(c) Section 732 of such Act is amended by adding at the end thereof the following new subsection: Appropriations authorization. 20 USC 1982.

"(f) There are authorized to be appropriated to carry out the provisions of section 725, relating to national impact reading programs, $800,000 each for the fiscal year ending September 30, 1977 and for the succeeding fiscal year.".

REPORTING DATE

SEC. 7. Section 731(a) of title VII of such Act is amended by striking out "March 31" and inserting in lieu thereof "February 1". 20 USC 1981.

ACCEPTANCE OF GIFTS BY AN ADMINISTRATIVE HEAD OF AN EDUCATION AGENCY

SEC. 8. Part D of such Act is amended by adding the following new section after section 732:

"ACCEPTANCE OF GIFTS

"SEC. 733. Notwithstanding the provisions of section 408(a)(3) of the General Education Provisions Act, the Commissioner may accept on behalf of the United States, gifts or donations made with or without conditions of services, money or property (real, personal, or mixed; tangible or intangible) made for any activities authorized to be carried out by such agency under the authority of this title.". 20 USC 1983. 20 USC 1221e-3.

INEXPENSIVE BOOK DISTRIBUTION PROGRAM FOR READING MOTIVATION

SEC. 9. (a) Part C of title VII of such Act is amended by adding at the end thereof the following new section:

"INEXPENSIVE BOOK DISTRIBUTION PROGRAM FOR READING MOTIVATION

"SEC. 726. (a) The Commissioner is authorized (1) to enter into a contract with a private nonprofit group or public agency (hereinafter in this section referred to as the 'contractor'), which has as its primary purpose the motivation of children to learn to read, to support and promote the establishment of reading motivational programs 20 USC 1966.

which include the distribution of inexpensive books to students and (2) to pay the Federal share of the cost of such programs.

"(b) This contract shall provide that—

"(1) the contractor will enter into subcontracts with local private nonprofit groups or organizations or with public agencies (hereinafter referred to as 'subcontractors') under which the subcontractors will agree to establish, operate, and provide the non-Federal share of the cost of reading motivational programs which include the distribution of books by gift, loan, or sale at a nominal price to children in preelementary, elementary, or secondary schools;

"(2) funds made available by the Commissioner to a contractor pursuant to any contract entered into under this section will be used to pay the Federal share of the cost of establishing and operating reading motivational programs as provided in paragraph (1);

"(3) the contractor will meet such other conditions and standards as the Commissioner determines to be necessary to assure the effectiveness of the programs authorized by this section and will provide technical assistance in furtherance of the purposes of this section.

"(c) The Commissioner shall make no payment of the Federal share of the cost of acquiring and distributing books pursuant to a contract authorized by this section unless he determines that the contractor or the subcontractor, as the case may be, has made arrangements with book publishers or distributors to obtain books at discounts at least as favorable as discounts that are customarily given by such publisher or distributor for book purchases made under similar circumstances in the absence of Federal assistance.

Definitions.

"(d) For purposes of this section—

"(1) the term 'nonprofit', when used in connection with any organization, means an organization no part of the net earnings of which inures, or may lawfully inure, to the benefit of any private shareholder or individual;

"(2) the term 'Federal share' means, with respect to the cost of books purchased by a local private nonprofit group, organization, or public agency for a program in a locality for distributing such books to schoolchildren in that locality, 50 per centum of the cost of that agency or group or organization for such books for such program;

"(3) the term 'preelementary school' means a day or residential school which provides pre-elementary education, as determined under State law, except that such term does not include education for children who have not attained three years of age;

"(4) the term 'elementary school' has the same meaning as provided in section 801(c) of the Elementary and Secondary Education Act of 1965; and

20 USC 881.

"(5) the term 'secondary school' has the same meaning as provided in section 801(h) of the Elementary and Secondary Education Act of 1965."

Appropriation authorization.
20 USC 1982.

(b) Section 732 of such Act is amended by adding at the end thereof the following new subsection:

"(g) There are authorized to be appropriated to carry out the provisions of section 726, relating to inexpensive book distribution programs for reading motivation, $4,000,000 for the fiscal year ending June 30, 1976, and $9,000,000 for each of the following two fiscal years.

Ante, p. 1105.

Under such conditions as the Commissioner determines to be appropriate, not to exceed 10 per centum of the amounts appropriated for each fiscal year shall be available for a contract from the Commissioner to the contractor designated under section 726 for technical assistance under subsection (b)(3) of section 726 to carry out the provisions of such section." *Ante*, p. 1105.

SPECIAL EMPHASIS PROJECTS

SEC. 10. Section 721(b)(1) of such Act is amended by inserting "and (c)" after "section 705(b)". 20 USC 1961.

Approved December 31, 1975.

LEGISLATIVE HISTORY:

HOUSE REPORT No. 94-720 (Comm. on Education and Labor).
CONGRESSIONAL RECORD, Vol. 121 (1975):
Dec. 15, considered and passed House.
Dec. 17, considered and passed Senate, amended.
Dec. 19, House concurred in Senate amendments.

Public Law 94–195
94th Congress

An Act

Dec. 31, 1975
[H.R. 11172]

To insure that the compensation and other emoluments for any person filling the vacancy on the Federal Maritime Commission caused by the resignation of Commissioner George Henry Hearn shall be those which were in effect on January 1, 1975, and for other purposes.

Federal Maritime Commission. Compensation.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) the compensation and emoluments of the office of Commissioner of the Federal Maritime Commission which was vacated by the resignation of Commissioner George Henry Hearn shall be those which were in effect on January 1, 1975, notwithstanding any salary increase resulting from the Executive Salary Cost-of-Living Adjustment Act, approved August 9, 1975 (Public Law 94–82; 89 Stat. 419), or any other provision of law, or provision which has the force and effect of law, enacted or becoming effective during the period beginning at noon, January 3, 1975, and ending at noon, January 3, 1977.

5 USC 5312 note.

Effective date.

(b) The provisions of subsection (a) shall take effect beginning on the date of the enactment of this Act, and shall cease to be effective at noon, January 3, 1977, or on the date the person next appointed to fill the vacancy in the office referred to in subsection (a) ceases to hold office, whichever first occurs.

Judicial review.

SEC. 2. (a) Any person who has standing to seek judicial review of any action taken by the Federal Maritime Commission after the filling of the vacancy referred to in the first section of this Act, or who is a party to a proceeding pending before the Commission may bring a civil action in the United States District Court for the District of Columbia to contest the constitutionality of the appointment and continuance in office of the person filling such vacancy on the ground that such appointment and continuance in office are in violation of article I, section 6, clause 2, of the Constitution. Such court shall have exclusive jurisdiction, without regard to the sum or value of the matter in controversy, to determine the validity of such appointment and continuance in office.

USC prec. title 1. Jurisdiction.

Appeal.

(b) Any action brought under this section shall be heard and determined by a panel of three judges in accordance with the provisions of section 2284 of title 28, United States Code. Any appeal from the action of a court convened pursuant to such section shall lie to the Supreme Court.

(c) Any judge designated to hear any action brought under this section shall cause such action to be in every way expedited.

Approved December 31, 1975.

LEGISLATIVE HISTORY:

CONGRESSIONAL RECORD, Vol. 121 (1975):
Dec. 16, considered and passed House.
Dec. 17, considered and passed Senate.

Public Law 94-196
94th Congress

An Act

To amend title 3, United States Code, to provide for foreign diplomatic missions, to increase the size of the Executive Protective Service, and for other purposes.

Dec. 31, 1975
[H.R. 11184]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) the second sentence of section 202 of title 3, United States Code, is amended by striking out "and (7)" and inserting in lieu thereof the following: "(7) foreign diplomatic missions located in metropolitan areas (other than the District of Columbia) in the United States where there are located twenty or more such missions headed by full-time officers, except that such protection shall be provided only (A) on the basis of extraordinary protective need, (B) upon request of the affected metropolitan area, and (C) when the extraordinary protective need arises in association with a visit to or occurs at a permanent mission to an international organization of which the United States is a member or an observer mission invited to participate in the work of such organization, provided that such protection may be extended at places of temporary domicile in connection with such a visit; and (8)".

Executive Protective Service. Foreign diplomatic missions.

(b) Section 202(8) of title 3, United States Code, as renumbered by subsection (a) of this section, is amended by striking out "other".

(c) Subsection (a) of section 203 of title 3, United States Code, is amended by striking out "eight hundred and fifty" and inserting in lieu thereof "twelve hundred".

(d)(1) Section 208 of title 3, United States Code, is amended by redesignating section 208 as section 209, and by inserting the following new section 208:

"§ 208. Reimbursement of State and local governments

"(a) In carrying out the functions pursuant to section 202(7), the Secretary of Treasury may utilize, with their consent, on a reimbursable basis, the services, personnel, equipment, and facilities of State and local governments, and is authorized to reimburse such State and local governments for the utilization of such services, personnel, equipment, and facilities. The authority of this subsection may be transferred by the President to the Secretary of State.

"(b) There is authorized to be appropriated not more than $3,500,000 under this section for the purposes of reimbursement for any fiscal year, to remain available for expenditure as provided in appropriation Acts."

Appropriation authorization.

(2) The table of sections for chapter 3 of title 3 of the United States Code is amended by striking out

"208. Appropriations to carry out provisions."

and inserting in lieu thereof the following:

"208. Reimbursement of State and local governments.
"209. Appropriation to carry out provisions.".

Effective date.
3 USC 202 note.

(e) The amendments made by subsections (a), (b), and (d) of this section shall take effect as of July 1, 1974.

Approved December 31, 1975.

LEGISLATIVE HISTORY:

SENATE REPORT No. 94-573 accompanying S. 2796 (Comm. on Public Works).
CONGRESSIONAL RECORD, Vol. 121 (1975):
Dec. 17, considered and passed House.
Dec. 18, considered and passed Senate, in lieu of S. 2796.

Public Law 94-197
94th Congress

An Act

To amend the Atomic Energy Act of 1954, as amended, to provide for the phaseout of governmental indemnity as a source of funds for public remuneration in the event of a nuclear incident, and for other purposes.

Dec. 31, 1975
[H.R. 8631]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 11 of the Atomic Energy Act of 1954, as amended, is amended by amending subsections q. and t. to read as follows:

Nuclear incident.
Public remuneration.
42 USC 2014.
"Nuclear incident."

"q. The term 'nuclear incident' means any occurrence, including an extraordinary nuclear occurrence, within the United States causing, within or outside the United States, bodily injury, sickness, disease, or death, or loss of or damage to property, or loss of use of property, arising out of or resulting from the radioactive, toxic, explosive, or other hazardous properties of source, special nuclear, or byproduct material: *Provided, however*, That as the term is used in subsection 170 l., it shall include any such occurrence outside the United States: *And provided further*, That as the term is used in subsection 170 d., it shall include any such occurrence outside the United States if such occurrence involves source, special nuclear, or byproduct material owned by, and used by or under contract with, the United States: *And provided further*, That as the term is used in subsection 170 c., it shall include any such occurrence outside both the United States and any other nation if such occurrence arises out of or results from the radioactive, toxic, explosive, or other hazardous properties of source, special nuclear, or byproduct material licensed pursuant to chapters 6, 7, 8, and 10 of this Act, which is used in connection with the operation of a licensed stationary production or utilization facility or which moves outside the territorial limits of the United States in transit from one person licensed by the Commission to another person licensed by the Commission.

42 USC 2210.

42 USC 2071, 2091, 2111, 2131.

"t. The term 'person indemnified' means (1) with respect to a nuclear incident occurring within the United States or outside the United States as the term is used in subsection 170 c., and with respect to any nuclear incident in connection with the design, development, construction, operation, repair, maintenance, or use of the nuclear ship Savannah, the person with whom an indemnity agreement is executed or who is required to maintain financial protection, and any other person who may be liable for public liability or (2) with respect to any other nuclear incident occurring outside the United States, the person with whom an indemnity agreement is executed and any other person who may be liable for public liability by reason of his activities under any contract with the Commission or any project to which indemnification under the provisions of subsection 170 d. has been extended or under any subcontract, purchase order, or other agreement, of any tier, under any such contract or project.".

"Person indemnified."

SEC. 2. Subsection 170 a. of the Atomic Energy Act of 1954, as amended, is amended to read as follows:

42 USC 2210.

"a. Each license issued under section 103 or 104 and each construction permit issued under section 185 shall, and each license issued under section 53, 63, or 81 may, for the public purposes cited in subsection 2 i. of the Atomic Energy Act of 1954, as amended, have as

42 USC 2133, 2134.
42 USC 2235.
42 USC 2073, 2093, 2111.
42 USC 2012.

a condition of the license a requirement that the licensee have and maintain financial protection of such type and in such amounts as the Commission in the exercise of its licensing and regulatory authority and responsibility shall require in accordance with subsection 170 b. to cover public liability claims. Whenever such financial protection is required, it may be a further condition of the license that the licensee execute and maintain an indemnification agreement in accordance with subsection 170 c. The Commission may require, as a further condition of issuing a license, that an applicant waive any immunity from public liability conferred by Federal or State law.".

42 USC 2210.

Liability insurance.

42 USC 2210.

SEC. 3. Subsection 107 b. of the Atomic Energy Act of 1954, as amended, is amended to read as follows:

"b. The amount of financial protection required shall be the amount of liability insurance available from private sources, except that the Commission may establish a lesser amount on the basis of criteria set forth in writing, which it may revise from time to time, taking into consideration such factors as the following: (1) the cost and terms of private insurance, (2) the type, size, and location of the licensed activity and other factors pertaining to the hazard, and (3) the nature and purpose of the licensed activity: *Provided*, That for facilities designed for producing substantial amounts of electricity and having a rated capacity of 100,000 electrical kilowatts or more, the amount of financial protection required shall be the maximum amount available at reasonable cost and on reasonable terms from private sources. Such financial protection may include private insurance, private contractual indemnities, self-insurance, other proof of financial responsibility, or a combination of such measures and shall be subject to such terms and conditions as the Commission may, by rule, regulation, or order, prescribe. In prescribing such terms and conditions for licensees required to have and maintain financial protection equal to the maximum amount of liability insurance available from private sources, the Commission shall, by rule initially prescribed not later than twelve months from the date of enactment of this Act, include, in determining such maximum amount, private liability insurance available under an industry retrospective rating plan providing for premium charges deferred in whole or major part until public liability from a nuclear incident exceeds or appears likely to exceed the level of the primary financial protection required of the licensee involved in the nuclear incident: *Provided*, That such insurance is available to, and required of, all of the licensees of such facilities without regard to the manner in which they obtain other types or amounts of such financial protection: *And provided further*, That the standard deferred premium which may be charged following any nuclear incident under such a plan shall be not less than $2,000,000 nor more than $5,000,000 for each facility required to maintain the maximum amount of financial protection: *And provided further*, That the amount which may be charged a licensee following any nuclear incident shall not exceed the licensee's pro rata share of the aggregate public liability claims and costs arising out of the nuclear incident. Payment of any State premium taxes which may be applicable to any deferred premium provided for in this Act shall be the responsibility of the licensee and shall not be included in the retrospective premium established by the Commission. The Commission is authorized to establish a maximum amount which the aggregate deferred premiums charged for each facility within one calendar year may not exceed.

The Commission may establish amounts less than the standard premium for individual facilities taking into account such factors as the facility's size, location, and other factors pertaining to the hazard. The Commission shall establish such requirements as are necessary to assure availability of funds to meet any assessment of deferred premiums within a reasonable time when due, and may provide reinsurance or shall otherwise guarantee the payment of such premiums in the event it appears that the amount of such premiums will not be available on a timely basis through the resources of private industry and insurance. Any agreement by the Commission with a licensee or indemnitor to guarantee the payment of deferred premiums may contain such terms as the Commission deems appropriate to carry out the purposes of this section and to assure reimbursement to the Commission for its payments made due to the failure of such licensee or indemnitor to meet any of its obligations arising under or in connection with financial protection required under this subsection including without limitation terms creating liens upon the licensed facility and the revenues derived therefrom or any other property or revenues of such licensee to secure such reimbursement and consent to the automatic revocation of any license.".

SEC. 4. (a) Subsection 170 c. of the Atomic Energy Act of 1954, as amended, is amended by deleting the phrase "and August 1, 1977, for which it requires financial protection," in the first sentence and substituting therefor the phrase "and August 1, 1987, for which it requires financial protection of less than $560,000,000," and by deleting the date "August 1, 1977" in the last sentence wherever it appears and substituting therefor the date "August 1, 1987". 42 USC 2210.

(b) Such subsection is further amended by striking "including the reasonable" and inserting in lieu thereof "excluding".

SEC. 5. (a) Subsection 170 d. of the Atomic Energy Act of 1954, as amended, is amended by deleting the phrase "until August 1, 1977," in the first sentence and substituting therefor the phrase "until August 1, 1987,".

(b) Such subsection is further amended by striking "including the reasonable" and inserting in lieu thereof "excluding".

SEC. 6. Subsection 170 e. of the Atomic Energy Act of 1954, as amended, is amended to read as follows: Single incident, aggregate liability.

"e. The aggregate liability for a single nuclear incident of persons indemnified, including the reasonable costs of investigating and settling claims and defending suits for damage, shall not exceed (1) the sum of $500,000,000 together with the amount of financial protection required of the licensee or contractor or (2) if the amount of financial protection required of the licensee exceeds $60,000,000, such aggregate liability shall not exceed the sum of $560,000,000 or the amount of financial protection required of the licensee, whichever amount is greater: *Provided*, That in the event of a nuclear incident involving damages in excess of that amount of aggregate liability, the Congress will thoroughly review the particular incident and will take whatever action is deemed necessary and appropriate to protect the public from the consequences of a disaster of such magnitude: *And provided further*, That with respect to any nuclear incident occurring outside of the United States to which an agreement of indemnification entered into under the provisions of subsection 170 d. is applicable, such aggregate liability shall not exceed the amount of $100,000,000 together with the amount of financial protection required of the contractor.". Congressional review.

Fees.
42 USC 2210.

SEC. 7. Subsection 170 f. of the Atomic Energy Act of 1954, as amended, is amended to read as follows:

"f. The Commission is authorized to collect a fee from all persons with whom an indemnification agreement is executed under this section. This fee shall be $30 per year per thousand kilowatts of thermal energy capacity for facilities licensed under section 103: *Provided*, That the Commission is authorized to reduce the fee for such facilities in reasonable relation to increases in financial protection required above a level of $60,000,000. For facilities licensed under section 104, and for construction permits under section 185, the Commission is authorized to reduce the fee set forth above. The Commission shall establish criteria in writing for determination of the fee for facilities licensed under section 104, taking into consideration such factors as (1) the type, size, and location of facility involved, and other factors pertaining to the hazard, and (2) the nature and purpose of the facility. For other licenses, the Commission shall collect such nominal fees as it deems appropriate. No fee under this subsection shall be less than $100 per year.".

42 USC 2133.
42 USC 2134.
42 USC 2235.

SEC. 8. The last sentence of subsection 170 h. of the Atomic Energy Act of 1954, as amended, is amended by striking "may include reasonable" and inserting in lieu thereof "shall not include".

Survey of causes and damages, report to Joint Committee on Atomic Energy and members of Congress.

SEC. 9. Subsection 170 i. of the Atomic Energy Act of 1954, as amended, is amended to read as follows:

"i. After any nuclear incident which will probably require payments by the United States under this section or which will probably result in public liability claims in excess of $560,000,000, the Commission shall make a survey of the causes and extent of damage which shall forthwith be reported to the Joint Committee, to the Congressmen of the affected districts, and to the Senators of the affected States, and, except for information which would cause serious damage to the national defense of the United States, all final findings shall be made available to the public, to the parties involved and to the courts. The Commission shall report to the Joint Committee by April 1, 1958, and every year thereafter on the operations under this section.".

SEC. 10. (a) Subsection 170 k. of the Atomic Energy Act of 1954, as amended, is amended by deleting the date "August 1, 1977" wherever it appears and substituting therefor the date "August 1, 1987".

(b) Paragraph (1) of such subsection is amended by striking "including the reasonable" and inserting in lieu thereof "excluding".

SEC. 11. Subsection 170 l. of the Atomic Energy Act of 1954, as amended, is amended by striking "including the reasonable" and inserting in lieu thereof "excluding".

SEC. 12. Section 170 n. (1) (iii) of the Atomic Energy Act of 1954 is amended by striking "ten years" and inserting in lieu thereof "twenty years".

Supplemental report to Joint Committee on Atomic Energy.

SEC. 13. Subsection 170 o. of the Atomic Energy Act of 1954, as amended, is amended by adding at the end of the second sentence in subparagraph (3) the words "and shall include establishment of priorities between claimants and classes of claims, as necessary to insure the most equitable allocation of available funds.", and by adding a new subparagraph (4) to read as follows:

"(4) the Commission shall, within ninety days after a court shall have made such determination, deliver to the Joint Committee a supplement to the report prepared in accordance with subsection 170 i. of this Act setting forth the estimated requirements for full compensation and relief of all claimants, and recommendations as to the relief to be provided.".

SEC. 14. Section 170 of the Atomic Energy Act of 1954, as amended, is amended by adding subsection p., to read as follows:

Report to Congress. 42 USC 2210.

"p. The Commission shall submit to the Congress by August 1, 1983, a detailed report concerning the need for continuation or modification of the provisions of this section, taking into account the condition of the nuclear industry, availability of private insurance, and the state of knowledge concerning nuclear safety at that time, among other relevant factors, and shall include recommendations as to the repeal or modification of any of the provisions of this section.".

Approved December 31, 1975.

LEGISLATIVE HISTORY:

HOUSE REPORT No. 94-648 (Joint Committee on Atomic Energy).
SENATE REPORT No. 94-454 accompanying S. 2568 (Joint Committee on Atomic Energy).
CONGRESSIONAL RECORD, Vol. 121 (1975):
Dec. 8, considered and passed House.
Dec. 16, considered and passed Senate, amended, in lieu of S. 2568.
Dec. 17, House concurred in Senate amendment.

Public Law 94–198
94th Congress

Joint Resolution

Dec. 31, 1975
[S.J. Res. 157]

To provide a 2-month extension of the exemption for loans made to finance the acquisition of previously occupied residential dwellings from the prohibition against financing by federally-related financial institutions for property located in communities not participating in the national flood insurance program.

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That section 202(b) of the Flood Disaster Protection Act of 1973 is amended by striking out "January 1, 1976" and inserting in lieu thereof "March 1, 1976".

Ante, p. 256.
42 USC 4106.

Approved December 31, 1975.

LEGISLATIVE HISTORY:

CONGRESSIONAL RECORD, Vol. 121 (1975):
Dec. 19, considered and passed Senate and House.

Public Law 94-199
94th Congress

An Act

To establish the Hells Canyon National Recreation Area in the States of Oregon and Idaho, and for other purposes.

Dec. 31, 1975
[S. 322]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) to assure that the natural beauty, and historical and archeological values of the Hells Canyon area and the seventy-one-mile segment of the Snake River between Hells Canyon Dam and the Oregon-Washington border, together with portions of certain of its tributaries and adjacent lands, are preserved for this and future generations, and that the recreational and ecologic values and public enjoyment of the area are thereby enhanced, there is hereby established the Hells Canyon National Recreation Area.

Hells Canyon National Recreation Area, Oreg.-Idaho. Establishment. 16 USC 460gg.

(b) The Hells Canyon National Recreation Area (hereinafter referred to as the "recreation area"), which includes the Hells Canyon Wilderness (hereinafter referred to as the "wilderness"), the components of the Wild and Scenic Rivers System designated in section 3 of this Act, and the wilderness study areas designated in subsections 8(d) of this Act, shall comprise the lands and waters generally depicted on the map entitled "Hells Canyon National Recreation Area" dated September 1975, which shall be on file and available for public inspection in the office of the Chief, Forest Service, United States Department of Agriculture. The Secretary of Agriculture (hereinafter referred to as "the Secretary"), shall, as soon as practicable, but no later than eighteen months after the date of enactment of this Act, publish a detailed boundary description of the recreation area, the wilderness study areas designated in subsection 8(d) of this Act, and the wilderness established in section 2 of this Act in the Federal Register.

Publication in Federal Register.

SEC. 2. (a) The lands depicted as the "Hells Canyon Wilderness" on the map referred to in subsection 1(b) of this Act are hereby designated as wilderness.

Hells Canyon Wilderness, designation. 16 USC 460gg-1.

(b) The wilderness designated by this Act shall be administered by the Secretary in accordance with the provisions of this Act or in accordance with the provisions of the Wilderness Act (78 Stat. 890), whichever is the more restrictive, except that any reference in such provisions of the Wilderness Act to the effective date of that Act shall be deemed to be a reference to the effective date of this Act. The provisions of section 9(b) and section 11 of this Act shall apply to the wilderness. The Secretary shall make such boundary revisions to the wilderness as may be necessary due to the exercise of his authority under subsection 3(b) of this Act.

16 USC 1131 note.

SEC. 3. (a) Subsection 3(a) of the Wild and Scenic Rivers Act (82 Stat. 906) is hereby amended by adding at the end thereof the following clauses:

16 USC 1274.

"(11) Rapid River, Idaho.—The segment from the headwaters of the main stem to the national forest boundary and the segment of the West Fork from the wilderness boundary downstream to the confluence with the main stem, as a wild river.

"(12) Snake, Idaho and Oregon.—The segment from Hells Canyon Dam downstream to Pittsburgh Landing, as a wild river; and the

segment from Pittsburgh Landing downstream to an eastward extension of the north boundary of section 1, township 5 north, range 47 east, Willamette meridian, as a scenic river.".

16 USC 1274 note.

(b) The segments of the Snake River and the Rapid River designated as wild or scenic river areas by this Act shall be administered by the Secretary in accordance with the provisions of the Wild and Scenic Rivers Act (82 Stat. 906), as amended, and the Secretary shall establish detailed boundaries of the Snake River segments thereof in accordance with subsection 3(b) of that Act: *Provided*, That the Secretary shall establish a corridor along the segments of the Rapid River and may not undertake or permit to be undertaken any activities on adjacent public lands which would impair the water quality of the Rapid River segment: *Provided further*, That the Secretary is authorized to make such minor boundary revisions in the corridors as he deems necessary for the provision of such facilities as are permitted under the applicable provisions of the Wild and Scenic Rivers Act (82 Stat. 906).

16 USC 1271 note

16 USC 1274.

16 USC 460gg-2.

SEC. 4. (a) Notwithstanding any other provision of law, or any authorization heretofore given pursuant to law, the Federal Power Commission may not license the construction of any dam, water conduit, reservoir, powerhouse, transmission line, or other project work under the Federal Power Act (41 Stat. 1063), as amended (16 U.S.C. 791a et seq.), within the recreation area: *Provided*, That the provisions of the Federal Power Act (41 Stat. 1063) shall continue to apply to any project (as defined in such Act), and all of the facilities and improvements required or used in connection with the operation and maintenance of said project, in existence within the recreation area which project is already constructed or under construction on the date of enactment of this Act.

16 USC 791a.

(b) No department or agency of the United States may assist by loan, grant, license, or otherwise the construction of any water resource facility within the recreation area which the Secretary determines would have a direct and adverse effect on the values for which the waters of the area are protected.

16 USC 1276.

SEC. 5. (a) Section 5(a) of the Act of October 2, 1968 (82 Stat. 906), as amended, is further amended by adding the following new paragraph:

"(57) Snake, Washington, Oregon, and Idaho: the segment from an eastward extension of the north boundary of section 1, township 5 north, range 47 east, Willamette meridian, downstream to the town of Asotin, Washington.".

Asotin Dam, deauthorization.

(b) The Asotin Dam, authorized under the provisions of the Flood Control Act of 1962 (76 Stat. 1173), is hereby deauthorized.

16 USC 460gg-3.

SEC. 6. (a) No provision of the Wild and Scenic Rivers Act (82 Stat. 906), nor of this Act, nor any guidelines, rules, or regulations issued hereunder, shall in any way limit, restrict, or conflict with present and future use of the waters of the Snake River and its tributaries upstream from the boundaries of the Hells Canyon National Recreation Area created hereby, for beneficial uses, whether consumptive or nonconsumptive, now or hereafter existing, including, but not limited to, domestic, municipal, stockwater, irrigation, mining, power, or industrial uses.

(b) No flow requirements of any kind may be imposed on the waters of the Snake River below Hells Canyon Dam under the provisions of the Wild and Scenic Rivers Act (82 Stat. 906), of this Act, or any guidelines, rules, or regulations adopted pursuant thereto.

Administration.

16 USC 460gg-4.

SEC. 7. Except as otherwise provided in sections 2 and 3 of this Act, and subject to the provisions of section 10 of this Act, the Secretary

shall administer the recreation area in accordance with the laws, rules, and regulations applicable to the national forests for public outdoor recreation in a manner compatible with the following objectives:

(1) the maintenance and protection of the free-flowing nature of the rivers within the recreation area;

(2) conservation of scenic, wilderness, cultural, scientific, and other values contributing to the public benefit;

(3) preservation, especially in the area generally known as Hells Canyon, of all features and peculiarities believed to be biologically unique including, but not limited to, rare and endemic plant species, rare combinations of aquatic, terrestrial, and atmospheric habitats, and the rare combinations of outstanding and diverse ecosystems and parts of ecosystems associated therewith;

(4) protection and maintenance of fish and wildlife habitat;

(5) protection of archeological and paleontologic sites and interpretation of these sites for the public benefit and knowledge insofar as it is compatible with protection;

(6) preservation and restoration of historic sites associated with and typifying the economic and social history of the region and the American West; and

(7) such management, utilization, and disposal of natural resources on federally owned lands, including, but not limited to, timber harvesting by selective cutting, mining, and grazing and the continuation of such existing uses and developments as are compatible with the provisions of this Act.

Management plan, submittal to congressional committees. 16 USC 460gg-5.

SEC. 8. (a) Within five years from the date of enactment of this Act the Secretary shall develop and submit to the Committees on Interior and Insular Affairs of the United States Senate and House of Representatives a comprehensive management plan for the recreation area which shall provide for a broad range of land uses and recreation opportunities.

(b) In the development of such plan, the Secretary shall consider the historic, archeological, and paleontological resources within the recreation area which offer significant opportunities for anthropological research. The Secretary shall inventory such resources and may recommend such areas as he deems suitable for listing in the National Register of Historic Places. The Secretary's comprehensive plan shall include recommendations for future protection and controlled research use of all such resources.

Scenic roads, study.

(c) The Secretary shall, as a part of his comprehensive planning process, conduct a detailed study of the need for, and alternative routes of, scenic roads and other means of transit to and within the recreation area. In conducting such study the Secretary shall consider the alternative for upgrading existing roads and shall, in particular, study the need for and alternative routes of roads or other means of transit providing access to scenic views of and from the Western rim of Hells Canyon.

Wilderness suitability review, report to President.

Recommendations to Congress.

(d) The Secretary shall review, as to their suitability or nonsuitability for preservation as wilderness, the areas generally depicted on the map referred to in section 1 of this Act as the "Lord Flat-Somers Point Plateau Wilderness Study Area", and the "West Side Reservoir Face Wilderness Study Area", and the "Mountain Sheep Wilderness Study Area" and report his findings to the President. The Secretary shall complete his review and the President shall, within five years from the date of enactment of this Act, advise the United States Senate and House of Representatives of his recommendations with respect to the designation of lands within such area as wilderness. In conducting his review the Secretary shall comply with the provisions of section

Public notice of meetings.

16 USC 1132.

3(d) of the Wilderness Act and shall give public notice at least sixty days in advance of any hearing or other public meeting concerning the wilderness study area. The Secretary shall administer all Federal lands within the study areas so as not to preclude their possible future designation by the Congress as wilderness. Nothing contained herein shall limit the President in proposing, as part of this recommendation to Congress, the designation as wilderness of any additional area within the recreation area which is predominately of wilderness value.

(e) In conducting the reviews and preparing the comprehensive management plan required by this section, the Secretary shall provide for full public participation and shall consider the views of all interested agencies, organizations, and individuals including but not limited to, the Nez Perce Tribe of Indians, and the States of Idaho, Oregon, and Washington. The Secretaries or Directors of all Federal departments, agencies, and commissions having a relevant expertise are hereby authorized and directed to cooperate with the Secretary in his review and to make such studies as the Secretary may request on a cost reimbursable basis.

(f) Such activities as are as compatible with the provisions of this Act, but not limited to, timber harvesting by selective cutting, mining, and grazing may continue during development of the comprehensive management plan, at current levels of activity and in areas of such activity at the time of enactment of this Act. Further, in development of the management plan, the Secretary shall give full consideration to continuation of these ongoing activities in their respective areas.

Land acquisition.
16 USC 460gg-6.

SEC. 9. (a) The Secretary is authorized to acquire such lands or interests in land (including, but not limited to, scenic easements) as he deems necessary to accomplish the purposes of this Act by purchase with donated or appropriated funds with the consent of the owner, donation, or exchange.

(b) The Secretary is further authorized to acquire by purchase with donated or appropriated funds such lands or interests in lands without the consent of the owner only if (1) he deems that all reasonable efforts to acquire such lands or interests therein by negotiation have failed, and (2) the total acreage of all other lands within the recreation area to which he has acquired fee simple title or, lesser interests therein without the consent of the owner is less than 5 per centum of the total acreage which is privately owned within the recreation area on the date of enactment of this Act: *Provided*, That the Secretary may acquire scenic easements in lands without the consent of the owner and without restriction to such 5 per centum limitation: *Provided further*, That the Secretary may only acquire scenic easements in lands without the consent of the owner after the date of publication of the regulations required by section 10 of this Act when he determines that such lands are being used, or are in imminent danger of being used, in a manner incompatible with such regulations.

Scenic easements.

(c) Any land or interest in land owned by the State of Oregon or any of its political subdivisions may be acquired only by donation. Any land or interest in land owned by the State of Idaho or any of its political subdivisions may be acquired only by donation or exchange.

"Scenic easement."

(d) As used in this Act the term "scenic easement" means the right to control the use of land in order to protect esthetic values for the purposes of this Act, but shall not preclude the continuation of any farming or pastoral use exercised by the owner as of the date of enactment of this Act.

(e) The Secretary shall give prompt and careful consideration to any offer made by a person owning land within the recreation area

to sell such land to the United States. The Secretary shall specifically consider any hardship to such person which might result from an undue delay in acquiring his property.

(f) In exercising his authority to acquire property by exchange, the Secretary may accept title to any non-Federal property, or interests therein, located within the recreation area and, notwithstanding any other provision of law, he may convey in exchange therefor any federally owned property within the same State which he classifies as suitable for exchange and which is under his administrative jurisdiction: *Provided*, That the values of the properties so exchanged shall be approximately equal, or if they are not approximately equal, they shall be equalized by the payment of cash to the grantor or to the United States as the circumstances require. In the exercise of his exchange authority, the Secretary may utilize authorities and procedures available to him in connection with exchanges of national forest lands.

(g) Notwithstanding any other provision of law, the Secretary is authorized to acquire mineral interests in lands within the recreation area, with or without the consent of the owner. Upon acquisition of any such interest, the lands and/or minerals covered by such interest are by this Act withdrawn from entry or appropriation under the United States mining laws and from disposition under all laws pertaining to mineral leasing and all amendments thereto.

(h) Notwithstanding any other provision of law, any Federal property located within the recreation area may, with the concurrence of the agency having custody thereof, be transferred without consideration to the administrative jurisdiction of the Secretary for use by him in carrying out the purposes of this Act. Lands acquired by the Secretary or transferred to his administrative jurisdiction within the recreation area shall become parts of the national forest within or adjacent to which they are located.

Rules and regulations.
16 USC 460gg-7.

SEC. 10. The Secretary shall promulgate, and may amend, such rules and regulations as he deems necessary to accomplish the purposes of this Act. Such rules and regulations shall include, but are not limited to—

(a) standards for the use and development of privately owned property within the recreation area, which rules or regulations the Secretary may, to the extent he deems advisable, implement with the authorities delegated to him in section 9 of this Act, and which may differ among the various parcels of land within the recreation area;

(b) standards and guidelines to insure the full protection and preservation of the historic, archeological, and paleontological resources in the recreation area;

(c) provision for the control of the use of motorized and mechanical equipment for transportation over, or alteration of, the surface of any Federal land within the recreation area;

(d) provision for the control of the use and number of motorized and nonmotorized river craft: *Provided*, That the use of such craft is hereby recognized as a valid use of the Snake River within the recreation area; and

(e) standards for such management, utilization, and disposal of natural resources on federally owned lands, including but not limited to, timber harvesting by selective cutting, mining, and grazing and the continuation of such existing uses and developments as are compatible with the provisions of this Act.

16 USC 460gg–8.
16 USC 1133.

SEC. 11. Notwithstanding the provisions of section 4(d)(2) of the Wilderness Act and subject to valid existing rights, all Federal lands located in the recreation area are hereby withdrawn from all forms of location, entry, and patent under the mining laws of the United States, and from disposition under all laws pertaining to mineral leasing and all amendments thereto.

Hunting and fishing.
16 USC 460gg–9.

SEC. 12. The Secretary shall permit hunting and fishing on lands and waters under his jurisdiction within the boundaries of the recreation area in accordance with applicable laws of the United States and the States wherein the lands and waters are located except that the Secretary may designate zones where, and establish periods when, no hunting or fishing shall be permitted for reasons for public safety, administration, or public use and enjoyment. Except in emergencies, any regulations of the Secretary pursuant to this section shall be put into effect only after consultation with the appropriate State fish and game department.

Recreation area, traditional and valid uses.
16 USC 460gg–10.

SEC. 13. Ranching, grazing, farming, timber harvesting, and the occupation of homes and lands associated therewith, as they exist on the date of enactment of this Act, are recognized as traditional and valid uses of the recreation area.

Civil and criminal jurisdiction.
16 USC 460gg–11.

SEC. 14. Nothing in this Act shall diminish, enlarge, or modify any right of the States of Idaho, Oregon, or any political subdivisions thereof, to exercise civil and criminal jurisdiction within the recreation area or of rights to tax persons, corporations, franchises, or property, including mineral or other interests, in or on lands or waters within the recreation area.

16 USC 460gg–12.

SEC. 15. The Secretary may cooperate with other Federal agencies, with State and local public agencies, and with private individuals and agencies in the development and operation of facilities and services in the area in furtherance of the purposes of this Act, including, but not limited to, restoration and maintenance of the historic setting and background of towns and settlements within the recreation area.

Appropriation authorization.
16 USC 460gg–13.

SEC. 16. (a) There is hereby authorized to be appropriated the sum of not more than $10,000,000 for the acquisition of lands and interests in lands within the recreation area.

(b) There is hereby authorized to be appropriated the sum of not more than $10,000,000 for the development of recreation facilities within the recreation area.

(c) There is hereby authorized to be appropriated the sum of not more than $1,500,000 for the inventory, identification, development, and protection of the historic and archeological sites described in section 5 of this Act.

SEC. 17. If any provision of this Act is declared to be invalid, such declaration shall not affect the validity of any other provision hereof. Separability. 16 USC 460gg note.

Approved December 31, 1975.

LEGISLATIVE HISTORY:

HOUSE REPORT No. 94–607 accompanying H.R. 30 (Comm. on Interior and Insular Affairs).
SENATE REPORT No. 94–153 (Comm. on Interior and Insular Affairs).
CONGRESSIONAL RECORD, Vol. 121 (1975):
June 2, considered and passed Senate.
Nov. 18, considered and passed House, amended, in lieu of H.R. 30.
Dec. 12, Senate concurred in House amendment with amendments.
Dec. 19, House concurred in Senate amendments.

Public Law 94-200
94th Congress

An Act

Dec. 31, 1975
[S. 1281]

To extend the authority for the flexible regulation of interest rates on deposits and share accounts in depository institutions, to extend the National Commission on Electronic Fund Transfers, and to provide for home mortgage disclosure.

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

Depository institutions, interest rates; National Commission on Electronic Fund Transfers, extension; home mortgage disclosure.

TITLE I—REGULATION OF INTEREST RATES

SEC. 101. Section 7 of the Act of September 21, 1966 (Public Law 89-597), is amended by striking out "December 31, 1975" and inserting in lieu thereof "March 1, 1977".

12 USC 461 note.

SEC. 102. (a) An interest rate differential for any category of deposits or accounts which is in effect on December 10, 1975, between (1) any bank (other than a savings bank) the deposits of which are insured by the Federal Deposit Insurance Corporation and (2) any savings and loan, building and loan, or homestead association (including cooperative banks) the deposits or accounts of which are insured by the Federal Savings and Loan Insurance Corporation or any mutual savings bank as defined in section 3(f) of the Federal Deposit Insurance Act (12 U.S.C. 1813(j)) may not be eliminated or reduced unless—

12 USC 461 note.

(A) written notification is given by the Board of Governors of the Federal Reserve System to the Congress; and

(B) the House of Representatives and the Senate approve, by concurrent resolution, the proposed elimination or reduction of the interest rate differential.

(b) In the case of the elimination or reduction of any interest rate differential under subsection (a) with respect to any category of deposits or accounts between (1) any bank (other than a savings bank) the deposits of which are insured by the Federal Deposit Insurance Corporation and (2) any savings and loan, building and loan, or homestead association (including cooperative banks) the deposits or accounts of which are insured by the Federal Savings and Loan Insurance Corporation or any mutual savings bank as defined in section 3(f) of the Federal Deposit Insurance Act (12 U.S.C. 1813(f)), the maximum rate of interest which shall be established for such category of deposits for banks (other than savings banks) the deposits of which are insured by the Federal Deposit Insurance Corporation shall be equal to the highest rate of interest which savings and loan associations the deposits or accounts of which are insured by the Federal Savings and Loan Insurance Corporation were permitted to charge for such category of deposits immediately prior to the elimination or reduction of such interest rate differential.

TITLE II—ELECTRONIC FUND TRANSFERS

12 USC 2403.

SEC. 201. Section 203(b) of title II of the Act of October 28, 1974 (Public Law 93-495), is amended by—

(1) striking out "within one year of its findings and recommendations" and inserting in lieu thereof "within one year of the date

of the confirmation by the Senate of the Chairperson or the appointment by the President of an acting Chairperson"; and

(2) striking out "not later than two years after the date of enactment of this Act" and inserting in lieu thereof "not later than two years after the date of the confirmation by the Senate of the Chairperson or the appointment by the President of an acting Chairperson".

TITLE III—HOME MORTGAGE DISCLOSURE

Home Mortgage Disclosure Act of 1975.

SHORT TITLE

SEC. 301. This title may be cited as the "Home Mortgage Disclosure Act of 1975". 12 USC 2801 note.

FINDINGS AND PURPOSES

SEC. 302. (a) The Congress finds that some depository institutions have sometimes contributed to the decline of certain geographic areas by their failure pursuant to their chartering responsibilities to provide adequate home financing to qualified applicants on reasonable terms and conditions. 12 USC 2801.

(b) The purpose of this title is to provide the citizens and public officials of the United States with sufficient information to enable them to determine whether depository institutions are filling their obligations to serve the housing needs of the communities and neighborhoods in which they are located and to assist public officials in their determination of the distribution of public sector investments in a manner designed to improve the private investment environment.

(c) Nothing in this title is intended to, nor shall it be construed to, encourage unsound lending practices or the allocation of credit.

DEFINITIONS

SEC. 303. For purposes of this title— 12 USC 2802.

(1) the term "mortgage loan" means a loan which is secured by residential real property or a home improvement loan;

(2) the term "depository institution" means any commercial bank, savings bank, savings and loan association, building and loan association, or homestead association (including cooperative banks) or credit union which makes federally related mortgage loans as determined by the Board;

(3) the term "Board" means the Board of Governors of the Federal Reserve System; and

(4) the term "Secretary" means the Secretary of Housing and Urban Development.

MAINTENANCE OF RECORDS AND PUBLIC DISCLOSURE

SEC. 304. (a)(1) Each depository institution which has a home office or branch office located within a standard metropolitan statistical area, as defined by the Office of Management and Budget shall compile and make available, in accordance with regulations of the Board, to the public for inspection and copying at the home office, and at at least one branch office within each standard metropolitan statistical area in which the depository institution has an office the number and total dollar amount of mortgage loans which were (A) originated, or (B) purchased by that institution during each fiscal year (beginning with the last full fiscal year of that institution which immediately preceded the effective date of this title). 12 USC 2803.

(2) The information required to be maintained and made available under paragraph (1) shall also be itemized in order to clearly and conspicuously disclose the following:

(A) The number and dollar amount for each item referred to in paragraph (1), by census tracts, where readily available at a reasonable cost, as determined by the Board, otherwise by ZIP code, for borrowers, under mortgage loans secured by property located within that standard metropolitan statistical area.

(B) The number and dollar amount for each item referred to in paragraph (1) for all such mortgage loans which are secured by property located outside that standard metropolitan statistical area.

For the purpose of this paragraph, a depository institution which maintains offices in more than one standard metropolitan statistical area shall be required to make the information required by this paragraph available at any such office only to the extent that such information relates to mortgage loans which were originated or purchased by an office of that depository institution located in the standard metropolitan statistical area in which the office making such information available is located.

(b) Any item of information relating to mortgage loans required to be maintained under subsection (a) shall be further itemized in order to disclose for each such item—

12 USC 1707.
42 USC 1471.
38 USC 1801 *et seq.*

(1) the number and dollar amount of mortgage loans which are insured under title II of the National Housing Act or under title V of the Housing Act of 1949 or which are guaranteed under chapter 37 of title 38, United States Code;

(2) the number and dollar amount of mortgage loans made to mortgagors who did not, at the time of execution of the mortgage, intend to reside in the property securing the mortgage loan; and

(3) the number and dollar amount of home improvement loans.

(c) Any information required to be compiled and made available under this section shall be maintained and made available for a period of five years after the close of the first year during which such information is required to be maintained and made available.

ENFORCEMENT

Regulations.
12 USC 2804.

SEC. 305. (a) The Board shall prescribe such regulations as may be necessary to carry out the purposes of this title. These regulations may contain such classifications, differentiations, or other provisions, and may provide for such adjustments and exceptions for any class of transactions, as in the judgment of the Board are necessary and proper to effectuate the purposes of this title, and prevent circumvention or evasion thereof, or to facilitate compliance therewith.

Compliance.

(b) Compliance with the requirements imposed under this title shall be enforced under—

12 USC 1818.

(1) section 8 of the Federal Deposit Insurance Act, in the case of—

(A) national banks, by the Comptroller of the Currency;

(B) member banks of the Federal Reserve System, other than national banks, by the Board;

(C) banks insured by the Federal Deposit Insurance Corporation (other than members of the Federal Reserve System) and mutual savings banks as defined in section 3(f) of the Federal Deposit Insurance Act (12 U.S.C. 1813(f)) and

any other depository institution not referred to in this paragraph or paragraph (2) or (3) of this subsection, by the Board of Directors of the Federal Deposit Insurance Corporation;

(2) section 5(d) of the Home Owners' Loan Act of 1933, section 407 of the National Housing Act, and sections 6(i) and 17 of the Federal Home Loan Bank Act, by the Federal Home Loan Bank Board (acting directly or through the Federal Savings and Loan Insurance Corporation), in the case of any institution subject to any of those provisions; and 12 USC 1464. 12 USC 1730. 12 USC 1426, 1437.

(3) the Federal Credit Union Act, by the Administrator of the National Credit Union Administration with respect to any credit union. 12 USC 1751.

(c) For the purpose of the exercise by any agency referred to in subsection (b) of its powers under any Act referred to in that subsection, a violation of any requirement imposed under this title shall be deemed to be a violation of a requirement imposed under that Act. In addition to its powers under any provision of law specifically referred to in subsection (b), each of the agencies referred to in that subsection may exercise, for the purpose of enforcing compliance with any requirement imposed under this title, any other authority conferred on it by law. Violation.

RELATION TO STATE LAWS

SEC. 306. (a) This title does not annul, alter, or affect, or exempt any State chartered depository institution subject to the provisions of this title from complying with the laws of any State or subdivision thereof with respect to public disclosure and recordkeeping by depositor institutions, except to the extent that those laws are inconsistent with any provision of this title, and then only to the extent of the inconsistency. The Board is authorized to determine whether such inconsistencies exist. The Board may not determine that any such law is inconsistent with any provision of this title if the Board determines that such law requires the maintenance of records with greater geographic or other detail than is required under this title, or that such law otherwise provides greater disclosure than is required under this title. 12 USC 2805.

(b) The Board may by regulation exempt from the requirements of this title any State chartered depository institution within any State or subdivision thereof if it determines that, under the law of such State or subdivision, that institution is subject to requirements substantially similar to those imposed under this title, and that such law contains adequate provisions for enforcement. Notwithstanding any other provision of this subsection, compliance with the requirements imposed under this subsection shall be enforced under—

(1) Section 8 of the Federal Deposit Insurance Act in the case of national banks, by the Comptroller of the Currency; and 12 USC 1818.

(2) Section 5(d) of the Home Owners' Loan Act of 1933 in the case of any institution subject to that provision, by the Federal Home Loan Bank Board. 12 USC 1464.

RESEARCH AND IMPROVED METHODS

SEC. 307. (a)(1) The Federal Home Loan Bank Board, with the assistance of the Secretary, the Director of the Bureau of the Census, the Comptroller of the Currency, the Board of Governors of the Federal Reserve System, the Federal Deposit Insurance Corporation, and 12 USC 2806.

such other persons as the Federal Home Loan Bank Board deems appropriate, shall develop, or assist in the improvement of, methods of matching addresses and census tracts to facilitate compliance by depository institutions in as economical a manner as possible with the requirements of this title.

Appropriation authorization.

(2) There is authorized to be appropriated such sums as may be necessary to carry out this subsection.

(3) The Federal Home Loan Bank Board is authorized to utilize, contract with, act through, or compensate any person or agency in order to carry out this subsection.

Recommendation to congressional committees.

(b) The Federal Home Loan Bank Board shall recommend to the Committee on Banking, Currency and Housing of the House of Representatives and the Committee on Banking, Housing and Urban Affairs of the Senate such additional legislation as the Federal Home Loan Bank Board deems appropriate to carry out the purpose of this title.

STUDY

12 USC 2807.

SEC. 308. (a) The Board, in consultation with the Secretary of Housing and Urban Development, is authorized and directed to carry out a study to determine the feasibility and usefulness of requiring depository institutions located outside standard metropolitan statistical areas, as defined by the Office of Management and Budget, to make disclosures comparable to those required by this title.

Report to Congress.

(b) A report on the study under this section shall be transmitted to the Congress not later than three years after the date of enactment of this title.

EFFECTIVE DATE

12 USC 2808.

SEC. 309. This title shall take effect on the one hundred and eightieth day beginning after the date of its enactment. Any depository institution which has total assets as of its last full fiscal year of $10,000,000 or less is exempt from the provisions of this title.

TERMINATION OF AUTHORITY

12 USC 2809.

SEC. 310. The authority granted by this title shall expire four years after its effective date.

Approved December 31, 1975.

LEGISLATIVE HISTORY:

HOUSE REPORTS: No. 94-561 accompanying H.R. 10024 (Comm. on Banking, Currency and Housing) and No. 94-726 (Comm. of Conference).

SENATE REPORTS: No. 94-187 (Comm. on Banking, Housing and Urban Affairs) and No. 94-553 (Comm. of Conference).

CONGRESSIONAL RECORD, Vol. 121 (1975):

July 26, Sept. 4, considered and passed Senate.

Oct. 30, 31, considered and passed House, amended, in lieu of H.R. 10024.

Dec. 15, Senate agreed to conference report.

Dec. 18, House agreed to conference report.

WEEKLY COMPILATION OF PRESIDENTIAL DOCUMENTS, Vol. 12, No. 1:

Jan. 1, Presidential statement.

Public Law 94-201
94th Congress

An Act

To provide for the establishment of an American Folklife Center in the Library of Congress, and for other purposes.

Jan. 2, 1976
[H.R. 6673]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "American Folklife Preservation Act".

American Folklife Preservation Act.
20 USC 2101 note.

DECLARATION OF FINDINGS AND PURPOSE

SEC. 2. (a) The Congress hereby finds and declares— 20 USC 2101.

(1) that the diversity inherent in American folklife has contributed greatly to the cultural richness of the Nation and has fostered a sense of individuality and identity among the American people;

(2) that the history of the United States effectively demonstrates that building a strong nation does not require the sacrifice of cultural differences;

(3) that American folklife has a fundamental influence on the desires, beliefs, values, and character of the American people;

(4) that it is appropriate and necessary for the Federal Government to support research and scholarship in American folklife in order to contribute to an understanding of the complex problems of the basic desires, beliefs, and values of the American people in both rural and urban areas;

(5) that the encouragement and support of American folklife, while primarily a matter for private and local initiative, is also an appropriate matter of concern to the Federal Government; and

(6) that it is in the interest of the general welfare of the Nation to preserve, support, revitalize, and disseminate American folklife traditions and arts.

(b) It is therefore the purpose of this Act to establish in the Library of Congress an American Folklife Center to preserve and present American folklife.

DEFINITIONS

SEC. 3. As used in this Act— 20 USC 2102.

(1) the term "American folklife" means the traditional expressive culture shared within the various groups in the United States: familial, ethnic, occupational, religious, regional; expressive culture includes a wide range of creative and symbolic forms such as custom, belief, technical skill, language, literature, art, architecture, music, play, dance, drama, ritual, pageantry, handicraft; these expressions are mainly learned orally, by imitation, or in performance, and are generally maintained without benefit of formal instruction or institutional direction;

(2) the term "Board" means the Board of Trustees of the Center;

(3) the term "Center" means the American Folklife Center established under this Act;

(4) the term "group" includes any State or public agency or institution and any nonprofit society, institution, organization, association, or establishment in the United States;

(5) the term "Librarian" means the Librarian of Congress;

(6) the term "State" includes, in addition to the several States of the Union, the Commonwealth of Puerto Rico, the District of Columbia, Guam, American Samoa, and the Virgin Islands; and

(7) the term "workshop" means an activity the primary purpose of which is to encourage the development of skills, appreciation, or enjoyment of American folklife among amateur, student, or nonprofessional participants, or to promote scholarship or teaching among the participants.

ESTABLISHMENT OF CENTER

American Folklife Center. 20 USC 2103.

SEC. 4. (a) There is hereby established in the Library of Congress an American Folklife Center.

Membership.

(b) The Center shall be under the direction of a Board of Trustees. The Board shall be composed as follows—

(1) four members appointed by the President from among individuals who are officials of Federal departments and agencies concerned with some aspect of American folklife traditions and arts;

(2) four members appointed by the President pro tempore of the Senate from among individuals from private life who are widely recognized by virtue of their scholarship, experience, creativity, or interest in American folklife traditions and arts, and four members appointed by the Speaker of the House of Representatives from among such individuals;

(3) the Librarian of Congress;

(4) the Secretary of the Smithsonian Institution;

(5) the Chairman of the National Endowment for the Arts;

(6) the Chairman of the National Endowment for the Humanities; and

(7) the Director of the Center.

Regional balance.

In making appointments from private life under clause 2, the President pro tempore of the Senate and the Speaker of the House of Representatives shall give due consideration to the appointment of individuals who collectively will provide appropriate regional balance on the Board. Not more than three of the members appointed by the President pro tempore of the Senate or by the Speaker of the House of Representatives may be affiliated with the same political party.

Term.

(c) The term of office of each appointed member of the Board shall be six years; except that (1)(A) the members first appointed under clause (1) of subsection (b) shall serve as designated by the President, one for a term of two years, two for a term of four years, and one for a term of six years, and (B) the members first appointed under clause (2) of subsection (b) shall serve as jointly designated by the President pro tempore of the Senate and the Speaker of the House of Representatives, two for terms of two years, four for terms of four years, and two for terms of six years; and (2) any member appointed to fill a vacancy occurring prior to the expiration of the term to which his predecessor was appointed shall be appointed for the remainder of such term.

Compensation.

(d) Members of the Board who are not regular full-time employees of the United States shall be entitled, while serving on business of the Center, to receive compensation at rates fixed by the Librarian, but not

exceeding $100 per diem, including traveltime; and while so serving away from their homes or regular places of business, they may be allowed travel expenses, including per diem in lieu of subsistence, as authorized by section 5703 of title 5, United States Code, for persons in Government service employed intermittently.

(e) (1) The Librarian shall call the first meeting of the Board, at which the first order of business shall be the election of a Chairman and a Vice Chairman, who shall serve for a term of one year. Thereafter each Chairman and Vice Chairman shall be elected for a term of two years. The Vice Chairman shall perform the duties of the Chairman in his absence. In case of a vacancy occurring in the chairmanship or vice-chairmanship, the Board shall elect a member to fill the vacancy for the remainder of the unexpired term. Chairman. Vacancies.

(2) A majority of the members of the Board shall constitute a quorum. Quorum.

(f) After consultation with the Board, the Librarian shall appoint the Director of the Center. The basic pay of the Director shall be at a per year rate not to exceed GS–18 of the General Schedule under section 5332 of title 5, United States Code. The Librarian upon the recommendation of the Director shall appoint a Deputy Director of the Center. The basic pay of the Deputy Director shall be fixed at a rate not to exceed GS–16 of the General Schedule under section 5332 of such title. Director. 5 USC 5332 note.

(g) (1) The Director shall be the chief executive officer of the Center. Subject to the direction of the Board and the general supervision of the Librarian, the Director shall have responsibility for carrying out functions of the Center, and shall have authority over all personnel and activities of the Center.

(2) The Deputy Director shall perform such functions as the Director, with the approval of the Librarian, may prescribe, and shall serve as Acting Director during the absence or disability of the Director or in the event of a vacancy in the office of the Director.

FUNCTIONS OF THE CENTER

SEC. 5. (a) The Librarian is authorized to— 20 USC 2104.

(1) enter into, in conformity with Federal procurement statutes and regulations, contracts with individuals and groups for programs for the—

(A) initiation, encouragement, support, organization, and promotion of research, scholarship, and training in American folklife;

(B) initiation, promotion, support, organization, and production of live performances, festivals, exhibits, and workshops related to American folklife;

(C) purchase, receipt, production, arrangement for, and support of the production of exhibitions, displays, publications, and presentations (including presentations by still and motion picture films, and audio and visual magnetic tape recordings) which represent or illustrate some aspect of American folklife; and

(D) purchase, production. arrangement for, and support of the production of exhibitions, projects, presentations, and materials specially designed for classroom use representing or illustrating some aspect of American folklife;

(2) establish and maintain in conjunction with any Federal department, agency, or institution a national archive and center for American folklife;

(3) procure, receive, purchase, and collect for preservation or retention in an appropriate archive creative works, exhibitions, presentations, objects, materials, artifacts, manuscripts, publications, and audio and visual records (including still and motion picture film records, audio and visual magnetic tape recordings, written records, and manuscripts) which represent or illustrate some aspect of American folklife;

(4) loan, or otherwise make available, through Library of Congress procedures, any item in the archive established under this Act to any individual or group;

(5) present, display, exhibit, disseminate, communicate, and broadcast to local, regional, State, or National audiences any exhibition, display, or presentation referred to in clause (3) of this section or any item in the archive established pursuant to clause (2) of this section, by making appropriate arrangements, including contracts with public, nonprofit, and private radio and television broadcasters, museums, educational institutions, and such other individuals and organizations, including corporations, as the Board deems appropriate;

(6) loan, lease, or otherwise make available to public, private, and nonprofit educational institutions, and State arts councils established pursuant to the National Foundation on the Arts and the Humanities Act of 1965, such exhibitions, programs, presentations, and material developed pursuant to clause (1)(D) of this subsection as the Board deems appropriate; and

20 USC 951 note.

(7) develop and implement other appropriate programs to preserve, support, revitalize, and disseminate American folklife.

(b) The Librarian shall carry out his functions under this Act through the Center.

LIMITATIONS ON CONTRACTS

20 USC 2105.

SEC. 6. (a) No payment shall be made pursuant to this Act to carry out any research or training over a period in excess of two years, except that with the concurrence of at least two-thirds of the members of the Board of the Center such research or training may be carried out over a period of not to exceed five years.

(b) Assistance pursuant to this Act shall not cover the cost of land acquisition, construction, building acquisitions, or acquisition of major equipment.

(c) No individual formerly in the employment of the Federal Government shall be eligible to receive any assistance pursuant to this Act, or to serve as a trustee of the Center in the two-year period following the termination of such employment.

ADMINISTRATIVE PROVISIONS

SEC. 7. (a) In addition to any authority vested in it by other provisions of this Act, the Librarian of Congress, in carrying out the Center's functions, is authorized to— 20 USC 2106.

(1) prescribe such regulations as he deems necessary; Regulations.

(2) receive money and other property donated, bequeathed, or devised, without condition or restriction other than that it be for the purposes of the Center and to use, sell, or otherwise dispose of such property for the purpose of carrying out its functions, without reference to Federal property disposal statutes; Gifts and bequests.

(3) in the discretion of the Board of Trustees, receive (and use, sell, or otherwise dispose of, in accordance with clause (2)) money and other property donated, bequeathed, or devised to the Center with a condition or restriction, including a condition that the Center use other funds of the Center for the purpose of the gift;

(4) appoint and fix the compensation of such personnel as may be necessary to carry out the provisions of the Act in accordance with the provisions of chapter 51 and subchapter III of chapter 53 of such title relating to classification and General Schedule pay rates, except that the Librarian of Congress may appoint and fix the compensation of a reasonable number of personnel without regard to the provisions of chapter 51 and subchapter III of chapter 53 of title 5, United States Code, relating to classification and General Schedule pay rates, but no individual so appointed shall receive compensation in excess of the rate received by the Deputy Director of the Center; Compensation. 5 USC 5101 *et seq.* 5 USC 5332 note.

(5) obtain the services of experts and consultants in accordance with the provisions of section 3109 of title 5, United States Code; Experts and consultants.

(6) accept and utilize the services of voluntary and noncompensated personnel and reimburse them for travel expenses, including per diem, as authorized by section 5703 of title 5, United States Code;

(7) enter into contracts to carry out the provisions of the Act, and such contracts may, with the concurrence of two-thirds of the members of the Board, be entered into without performance or other bonds and in conformity with section 3709 of the Revised Statutes, as amended (41 U.S.C. 5); and Contracts.

(8) make advances, progress, and other payments which the Board deems necessary under this Act in conformity with the provisions of section 3648 of the Revised Statutes, as amended (31 U.S.C. 529). Advances.

Annual report to Congress.

(b) The Director shall submit to the Librarian for inclusion in the annual report of the Library of Congress to the Congress an annual report of the operations of the Center under this Act, which shall include a detailed statement of all private and public funds received and expended by it, and such recommendations as the Center deems appropriate.

AUTHORIZATION

20 USC 2107.

SEC. 8. There are authorized to be appropriated to the Center to carry out the provisions of this Act $133,500 for the fiscal year 1976 and for the period from July 1 through September 30, 1976, $295,000 for the fiscal year 1977, and $349,000 for the fiscal year 1978.

Approved January 2, 1976.

LEGISLATIVE HISTORY:

HOUSE REPORT No. 94–273 (Comm. on House Administration).
SENATE REPORT No. 94–527 (Comm. on Rules and Administration).
CONGRESSIONAL RECORD, Vol. 121 (1975):
Sept. 8, considered and passed House.
Dec. 11, considered and passed Senate, amended.
Dec. 19, House concurred in Senate amendments.
WEEKLY COMPILATION OF PRESIDENTIAL DOCUMENTS, Vol. 12, No. 2:
Jan. 3, Presidential statement.

Public Law 94-202
94th Congress

An Act

To amend the Social Security Act to expedite the holding of hearings under titles II, XVI, and XVIII by establishing uniform review procedures under such titles, and for other purposes.

Jan. 2, 1976
[H.R. 10727]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 1631(c) of the Social Security Act is amended to read as follows:

Social Security Act, amendments.
42 USC 1383.

"HEARINGS AND REVIEW

"(c)(1) The Secretary is directed to make findings of fact, and decisions as to the rights of any individual applying for payment under this title. The Secretary shall provide reasonable notice and opportunity for a hearing to any individual who is or claims to be an eligible individual or eligible spouse and is in disagreement with any determination under this title with respect to eligibility of such individual for benefits, or the amount of such individual's benefits, if such individual requests a hearing on the matter in disagreement within sixty days after notice of such determination is received, and, if a hearing is held, shall, on the basis of evidence adduced at the hearing affirm, modify, or reverse his findings of fact and such decision. The Secretary is further authorized, on his own motion, to hold such hearings and to conduct such investigations and other proceedings as he may deem necessary or proper for the administration of this title. In the course of any hearing, investigation, or other proceeding, he may administer oaths and affirmations, examine witnesses, and receive evidence. Evidence may be received at any hearing before the Secretary even though inadmissible under the rules of evidence applicable to court procedure.

"(2) Determination on the basis of such hearing, except to the extent that the matter in disagreement involves a disability (within the meaning of section 1614(a)(3)), shall be made within ninety days after the individual requests the hearing as provided in paragraph (1).

42 USC 1382c.

"(3) The final determination of the Secretary after a hearing under paragraph (1) shall be subject to judicial review as provided in section 205(g) to the same extent as the Secretary's final determinations under section 205.".

Judicial review.
42 USC 405.

SEC. 2. Section 1631(d) of the Social Security Act is amended by striking out paragraph (2), and by redesignating paragraph (3) as paragraph (2).

42 USC 1383.

SEC. 3. The persons appointed under section 1631(d)(2) of the Social Security Act (as in effect prior to the enactment of this Act) to serve as hearing examiners in hearings under section 1631(c) of such Act may conduct hearings under titles II, XVI, and XVIII of the Social Security Act if the Secretary of Health, Education, and Welfare finds it will promote the achievement of the objectives of such titles, notwithstanding the fact that their appointments were made without meeting the requirements for hearing examiners appointed under section 3105 of title 5, United States Code; but their appointments shall terminate not later than at the close of the period ending December 31, 1978, and during that period they shall be deemed

42 USC 1383 note.

42 USC 401, 1381, 1395.

to be hearing examiners appointed under such section 3105 and subject as such to subchapter II of chapter 5 of title 5, United States Code, to the second sentence of such section 3105, and to all of the other provisions of such title 5 which apply to hearing examiners appointed under such section 3105.

5 USC 551.

SEC. 4. The third sentence of section 205(b) of the Social Security Act is amended to read as follows: "Any such request with respect to such a decision must be filed within sixty days after notice of such decision is received by the individual making such request.".

42 USC 405.

Effective date.
42 USC 405 note.

SEC. 5. The amendments made by the first two sections of this Act, and the provisions of section 3, shall take effect on the date of the enactment of this Act. The amendment made by section 4 of this Act shall apply with respect to any decision or determination of which notice is received, by the individual requesting the hearing involved, after February 29, 1976. The amendment made by the first section of this Act, to the extent that it changes the period within which hearings must be requested, shall apply with respect to any decision or determination of which notice is received, by the individual requesting the hearing involved, on or after the date of the enactment of this Act.

West Virginia agreement.
42 USC 418 note.
42 USC 418.

SEC. 6. (a) Notwithstanding the provisions of subsection (d)(5)(A) of section 218 of the Social Security Act and the references thereto in subsections (d)(1) and (d)(3) of such section 218, the agreement with the State of West Virginia heretofore entered into pursuant to such section 218 may, at any time prior to 1977, be modified pursuant to subsection (c)(4) of such section 218 so as to apply to services performed in policemen's or firemen's positions covered by a retirement system on the date of the enactment of this Act by individuals as employees of any class III or class IV municipal corporation (as defined in or under the laws of the State) if the State of West Virginia has at any time prior to the date of the enactment of this Act paid to the Secretary of the Treasury, with respect to any of the services performed in such positions by individuals as employees of such municipal corporation, the sums prescribed pursuant to subsection (e)(1) of such section 218. For purposes of this subsection, a retirement system which covers positions of policemen or firemen, or both, and other positions, shall, if the State of West Virginia so desires, be deemed to be a separate retirement system with respect to the positions of such policemen or firemen, or both, as the case may be.

(b) Notwithstanding the provisions of subsection (f) of section 218 of the Social Security Act, any modification in the agreement with the State of West Virginia under subsection (a) of this section, to the extent it involves services performed by individuals as employees of any class III or class IV municipal corporation, may be made effective with respect to—

(1) all services performed by such individual, in any policemen's or firemen's position to which the modification relates, on or after the date of the enactment of this Act; and

(2) all services performed by such individual in such a position before such date of enactment with respect to which the State of West Virginia has paid to the Secretary of the Treasury the sums prescribed pursuant to subsection (e)(1) of such section 218 at the time or times established pursuant to such subsection (e)(1), if and to the extent that—

(A) no refund of the sums so paid has been obtained, or

(B) a refund of part or all of the sums so paid has been obtained but the State of West Virginia repays to the Secretary of the Treasury the amount of such refund within ninety

days after the date that the modification is agreed to by the State and the Secretary of Health, Education, and Welfare.

Regulation, publication in Federal Register. 42 USC 405a.

SEC. 7. Notwithstanding any other provision of law, no regulation and no modification of any regulation, promulgated by the Secretary of Health, Education, and Welfare, after the date of enactment of this Act, shall become effective prior to the end of the eighteen-month period which begins with the first day of the first calendar month which begins after the date on which such regulation or modification of a regulation is published in the Federal Register, if and insofar as such regulation or modification of a regulation pertains, directly or indirectly, to the frequency or due dates for payments and reports required under section 218(e) of the Social Security Act.

42 USC 418.

Combined Old-Age, Survivors, and Disability Insurance-Income Tax Reporting Amendments of 1975.

SEC. 8. (a) This section may be cited as the "Combined Old-Age, Survivors, and Disability Insurance-Income Tax Reporting Amendments of 1975".

(b) Title II of the Social Security Act is amended by adding after section 231 the following section:

"PROCESSING OF TAX DATA

42 USC 432 note.

42 USC 432.

"SEC. 232. The Secretary of the Treasury shall make available information returns filed pursuant to part III of subchapter A of chapter 61 of subtitle F of the Internal Revenue Code of 1954, to the Secretary for the purposes of this title and title XI. The Secretary and the Secretary of the Treasury are authorized to enter into an agreement for the processing by the Secretary of information contained in returns filed pursuant to part III of subchapter A of chapter 61 of subtitle F of the Internal Revenue Code of 1954. Notwithstanding the provisions of section 6103(a) of the Internal Revenue Code of 1954, the Secretary of the Treasury shall make available to the Secretary such documents as may be agreed upon as being necessary for purposes of such processing. The Secretary shall process any withholding tax statements or other documents made available to him by the Secretary of the Treasury pursuant to this section. Any agreement made pursuant to this section shall remain in full force and effect until modified or otherwise changed by mutual agreement of the Secretary and the Secretary of the Treasury.".

26 USC 6031.

42 USC 1301.

26 USC 6103.

(c) Section 232 of the Social Security Act, as added by subsection (b) of this section, shall be effective with respect to statements reporting income received after 1977.

42 USC 432 note.

(d)(1) Section 201(g)(1) of such Act is amended to read as follows:

42 USC 401.

"(g)(1)(A) The Managing Trustee of the Trust Funds (which for purposes of this paragraph shall include also the Federal Hospital Insurance Trust Fund and the Federal Supplementary Medical Insurance Trust Fund established by title XVIII) is directed to pay from the Trust Funds into the Treasury—

42 USC 1395.

"(i) the amounts estimated by him and the Secretary of Health, Education, and Welfare which will be expended, out of moneys appropriated from the general fund in the Treasury, during a three-month period by the Department of Health, Education, and Welfare and the Treasury Department for the administration of titles II, XVI, and XVIII of this Act and subchapter E of chapter 1 and subchapter A of chapter 9 of the Internal Revenue Code of 1939, and chapters 2 and 21 of the Internal Revenue Code of 1954, less

42 USC 401, 1381.

26 USC 641, 3101.

26 USC 1401, 3101.

"(ii) the amounts estimated (pursuant to the method prescribed by the Board of Trustees under paragraph (4) of this subsection) by the Secretary of Health, Education, and Welfare which will be expended, out of moneys made available for expenditures from the Trust Funds, during such three-month period to cover the cost of carrying out the functions of the Department of Health, Education, and Welfare, specified in section 232, which relate to the administration of provisions of the Internal Revenue Code of 1954 other than those referred to in clause (i).

Ante, p. 1137.

Such payments shall be carried into the Treasury as the net amount of repayments due the general fund account for reimbursement of expenses incurred in connection with the administration of titles II, XVI, and XVIII of this Act and subchapter E of chapter 1 and subchapter A of chapter 9 of the Internal Revenue Code of 1939, and chapters 2 and 21 of the Internal Revenue Code of 1954. A final accounting of such payments for any fiscal year shall be made at the earliest practicable date after the close thereof. There are hereby authorized to be made available for expenditure, out of any or all of the Trust Funds, such amounts as the Congress may deem appropriate to pay the costs of the part of the administration of this title, title XVI, and title XVIII for which the Secretary of Health, Education, and Welfare is responsible and of carrying out the functions of the Department of Health, Education, and Welfare, specified in section 232, which relate to the administration of provisions of the Internal Revenue Code of 1954 other than those referred to in clause (i) of the first sentence of this subparagraph.

42 USC 401, 1381, 1395.
26 USC 641, 3101.
26 USC 1401, 3101.

"(B) After the close of each fiscal year the Secretary of Health, Education, and Welfare shall determine the portion of the costs, incurred during such fiscal year, of administration of this title, title XVI, and title XVIII and of carrying out the functions of the Department of Health, Education, and Welfare, specified in section 232, which relate to the administration of provisions of the Internal Revenue Code of 1954 (other than those referred to in clauses (i) of the first sentence of subparagraph (A)), which should have been borne by the general fund in the Treasury and the portion of such costs which should have been borne by each of the Trust Funds; except that the determination of the amounts to be borne by the general fund in the Treasury with respect to expenditures incurred in carrying out such functions specified in section 232 shall be made pursuant to the method prescribed by the Board of Trustees under paragraph (4) of this subsection. After such determination has been made, the Secretary of Health, Education, and Welfare shall certify to the Managing Trustee the amounts, if any, which should be transferred from one to any of the other of such Trust Funds and the amounts, if any, which should be transferred between the Trust Funds (or one of the Trust Funds) and the general fund in the Treasury, in order to insure that each of the Trust Funds and the general fund in the Treasury have borne their proper share of the costs, incurred during such fiscal year, for the part of the administration of this title, title XVI, and title XVIII for which the Secretary of Health, Education, and Welfare is responsible and of carrying out the functions of the Department of Health, Education, and Welfare, specified in section 232, which relate to the administration of provisions of the Internal Revenue Code of 1954 (other than those referred to in clause (i) of the first sentence of subparagraph (A)). The Managing Trustee is authorized and directed to transfer any such amounts in accordance with any certification so made.".

(2) Subsection (g) of such section is further amended by adding at the end thereof the following new paragraph: 42 USC 401.

"(4) The Board of Trustees shall prescribe before January 1, 1981, the method of determining the costs which should be borne by the general fund in the Treasury of carrying out the functions of the Department of Health, Education, and Welfare, specified in section 232, which relate to the administration of provisions of the Internal Revenue Code of 1954 (other than those referred to in clause (i) of the first sentence of paragraph (1)(A)). If at any time or times thereafter the Boards of Trustees of such Trust Funds deem such action advisable they may modify the method so determined.". *Ante*, p. 1137.

(e) Any persons the Board of Trustees finds necessary to employ to assist it in performing its functions under section 201(g)(4) of the Social Security Act may be appointed without regard to the civil service or classification laws, shall be compensated, while so employed at rates fixed by the Board of Trustees, but not exceeding $100 per day, and, while away from their homes or regular places of business, they may be allowed traveling expenses, including per diem in lieu of subsistence, as authorized by law for persons in the Government service employed intermittently. 42 USC 401 note. *Supra.*

(f) The Secretary shall not make any estimates pursuant to section 201(g)(1)(A)(ii) of the Social Security Act before the Board of Trustees prescribes the method of determining costs as provided in section 201(g)(4) of such Act. The determinations pursuant to section 201(g)(1)(B) of the Social Security Act with respect to the carrying out of the functions of the Department of Health, Education, and Welfare specified in section 232 of such Act, which relate to the administration of provisions of the Internal Revenue Code of 1954 (other than those referred to in clause (i) of the first sentence of section 201(g)(1)(A) of the Social Security Act), during fiscal years ending before the Board of Trustees prescribes the method of making such determinations, shall be made after the Board of Trustees has prescribed such method. The Secretary of Health, Education, and Welfare shall certify to the Managing Trustee the amounts that should be transferred from the general fund in the Treasury to the Trust Funds (as referred to in section 201(g)(1)(A) of the Social Security Act) to insure that the general fund in the Treasury bears its proper share of the costs of carrying out such functions in such fiscal years. The Managing Trustee is authorized and directed to transfer any such amounts in accordance with any certification so made. 42 USC 401 note.

(g) Section 6103 of the Internal Revenue Code of 1954 is amended by adding at the end thereof the following new subsection: 26 USC 6103.

"(g) DISCLOSURE OF INFORMATION TO SECRETARY OF HEALTH, EDUCATION, AND WELFARE.—The Secretary or his delegate is authorized to make available to the Secretary of Health, Education, and Welfare information returns filed pursuant to part III of subchapter A of chapter 61 of subtitle F for the purpose of carrying out, in accordance with an agreement entered into pursuant to section 232 of the Social Security Act, an effective information return processing program.". 26 USC 6031.

(h)(1) Section 230(b)(2) of the Social Security Act is amended to read as follows: 42 USC 430.

"(2) the ratio of (A) the average of the wages of all employees as reported to the Secretary of the Treasury for the calendar year preceding the calendar year in which the determination under subsection (a) with respect to such particular calendar

year was made to (B) the average of the wages of all employees as reported to the Secretary of the Treasury for the calendar year 1973 or, if later, the calendar year preceding the most recent calendar year in which an increase in the contribution and benefit base was enacted or a determination resulting in such an increase was made under subsection (a),".

42 USC 430. (2) Section 230(b) of such Act is further amended by adding at the end thereof the following new sentence: "For purposes of this subsection, the average of the wages for the calendar year 1978 (or any prior calendar year) shall, in the case of determinations made under subsection (a) prior to December 31, 1979, be deemed to be an amount equal to 400 per centum of the amount of the average of the taxable wages of all employees as reported to the Secretary for the first calendar quarter of such calendar year."

42 USC 403. (i)(1) Section 203(f)(8)(B)(ii) of the Social Security Act as amended—

(A) in clause (I) thereof, by striking out "taxable wages of all employees as reported to the Secretary for the first calendar quarter of the calendar year", and inserting in lieu thereof "wages of all employees as reported to the Secretary of the Treasury for the calendar year preceding the calendar year", and

(B) in clause (II) thereof, by striking out "taxable wages of all employees as reported to the Secretary for the first calendar quarter of 1973, or, if later, the first calendar quarter of the most recent calendar year", and inserting in lieu thereof "wages of all employees as reported to the Secretary of the Treasury for the calendar year 1973, or, if later, the calendar year preceding the most recent calendar year".

(2) Section 203(f)(8)(B)(ii) of such Act is further amended by adding at the end thereof the following new sentence: "For purposes of this clause (ii), the average of the wages for the calendar year 1978 (or any prior calendar year) shall, in the case of determinations made under subparagraph (A) prior to December 31, 1979, be deemed to be an amount equal to 400 per centum of the amount of the average of the taxable wages of all employees as reported to the Secretary for the first calendar quarter of such calendar year.".

42 USC 424a. (j) Section 224(f)(2) of the Social Security Act is amended, in the first sentence thereof, by—

(1) inserting "before the calendar year" immediately after "calendar year", and

(2) inserting "before the calendar year" immediately after "taxable year".

42 USC 418 note. 42 USC 418. (k) Notwithstanding the provisions of section 218(i) of the Social Security Act, nothing contained in the amendments made by the preceding provisions of this section shall be construed to authorize or require the Secretary, in promulgating regulations or amendments thereto under such section 218(i), substantially to modify the procedures, as in effect on December 1, 1975, for the reporting by States to the Secretary of the wages of individuals covered by social security pursuant to Federal-State agreements entered into pursuant to section 218 of the Social Security Act.

42 USC 1382a. SEC. 9. Section 1612(b)(2) of the Social Security Act (as enacted by section 301 of the Social Security Amendments of 1972) is amended (1) by inserting (A) immediately after (2), and (2) by adding at the end thereof the following new subparagraph:

"(B) Monthly (or other periodic) payments received by any individual, under a program established prior to July 1, 1973, if such payments are made by the State of which the individual receiving such payments is a resident, and if eligibility of any individual for such payments is not based on need and is based solely on attainment of age 65 and duration of residence in such State by such individual.".

Virgin Islands, shipments to the U.S.
26 USC 7652.

SEC. 10. (a) Section 7652(b)(3) of the Internal Revenue Code of 1954 is amended—

(1) by striking out the first sentence and inserting in lieu thereof the following: "Beginning with the calendar quarter ending September 30, 1975, and quarterly thereafter, the Secretary or his delegate shall determine the amount of all taxes imposed by, and collected during the quarter under, the internal revenue laws of the United States on articles produced in the Virgin Islands and transported to the United States.";

(2) by amending the first sentence of subparagraph (A) to read as follows: "There shall be transferred and paid over, as soon as practicable after the close of the quarter, to the Government of the Virgin Islands from the amounts so determined a sum equal to the total amount of the revenue collected by the Government of the Virgin Islands during the quarter, as certified by the Government Comptroller of the Virgin Islands."; and

(3) by amending the sentence immediately following subparagraph (C) by striking out "at the beginning" and inserting in lieu thereof the following: "with respect to the four calendar quarters immediately preceding the beginning".

Effective date.
26 USC 7652 note.

(b) The amendments made by paragraphs (1) and (2) of subsection (a) shall apply with respect to all taxes imposed by, and collected after June 30, 1975, under, the internal revenue laws of the United States on articles produced in the Virgin Islands and transported to the United States.

Approved January 2, 1976.

LEGISLATIVE HISTORY:

HOUSE REPORT No. 94-679 (Comm. on Ways and Means).
SENATE REPORT No. 94-550 (Comm. on Finance).
CONGRESSIONAL RECORD, Vol. 121 (1975):
Dec. 1, considered and passed House.
Dec. 17, considered and passed Senate, amended.
Dec. 19, House concurred in Senate amendments with amendments; Senate receded and concurred in House amendments.

Public Law 94-203
94th Congress

An Act

Jan. 2, 1976
[S. 95]

To guarantee the constitutional right to vote and to provide uniform procedures for absentee voting in Federal elections in the case of citizens outside the United States.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Overseas Citizens Voting Rights Act of 1975".

Overseas Citizens Voting Rights Act of 1975.
42 USC 1973dd note.
42 USC 1973dd.

DEFINITIONS

SEC. 2. For the purposes of this Act, the term—

(1) "Federal election" means any general, special, or primary election held solely or in part for the purpose of selecting, nominating, or electing any candidate for the office of President, Vice President, Presidential elector, Member of the United States Senate, Member of the United States House of Representatives, Delegate from the District of Columbia, Resident Commissioner of the Commonwealth of Puerto Rico, Delegate from Guam, or Delegate from the Virgin Islands;

(2) "State" means each of the several States, the District of Columbia, the Commonwealth of Puerto Rico, Guam, and the Virgin Islands; and

(3) "United States" includes the several States, the District of Columbia, the Commonwealth of Puerto Rico, Guam, and the Virgin Islands, but does not include American Samoa, the Canal Zone, the Trust Territory of the Pacific Islands, or any other territory or possession of the United States.

RIGHT OF CITIZENS RESIDING OVERSEAS TO VOTE IN FEDERAL ELECTIONS

Absentee registration and voting.
42 USC 1973dd-1.

SEC. 3. Each citizen residing outside the United States shall have the right to register absentee for, and to vote by, an absentee ballot in any Federal election in the State, or any election district of such State, in which he was last domiciled immediately prior to his departure from the United States and in which he could have met all qualifications (except any qualification relating to minimum voting age) to vote in Federal elections under any present law, even though while residing outside the United States he does not have a place of abode or other address in such State or district, and his intent to return to such State or district may be uncertain, if—

(1) he has complied with all applicable State or district qualifications and requirements, which are consistent with this Act, concerning absentee registration for, and voting by, absentee ballots;

(2) he does not maintain a domicile, is not registered to vote, and is not voting in any other State or election district of a State or territory or in any territory or possession of the United States; and

(3) he has a valid passport or card of identity and registration issued under the authority of the Secretary of State.

ABSENTEE REGISTRATION AND BALLOTS FOR FEDERAL ELECTIONS

SEC. 4. (a) Each State shall provide by law for the absentee registration or other means of absentee qualification of all citizens residing outside the United States and entitled to vote in a Federal election in such State pursuant to section 3 whose application to vote in such election is received by the appropriate election official of such State not later than thirty days immediately prior to any such election. 42 USC 1973dd-2.

(b) Each State shall provide by law for the casting of absentee ballots for Federal elections by all citizens residing outside the United States who—

(1) are entitled to vote in such State pursuant to section 3;

(2) have registered or otherwise qualified to vote under subsection (a); and

(3) have returned such ballots to the appropriate election official of such State in sufficient time so that such ballot is received by such election official not later than the time of closing of the polls in such State on the day of such election.

ENFORCEMENT

SEC. 5. (a) Whenever the Attorney General has reason to believe that a State or election district undertakes to deny the right to register or vote in any election in violation of section 3 or fails to take any action required by section 4, he may institute for the United States, or in the name of the United States, an action in a district court of the United States, in accordance with sections 1391 through 1393 of title 28, United States Code, for a restraining order, a preliminary or permanent injunction, or such other order as he deems appropriate. 42 USC 1973dd-3.

(b) Whoever knowingly or willfully shall deprive or attempt to deprive any person of any right secured by this Act shall be fined not more than $5,000, or imprisoned not more than five years, or both. Penalty.

(c) Whoever knowingly or willfully gives false information as to his name, address, or period of residence for the purpose of establishing his eligibility to register, qualify, or vote under this Act, or conspires with another individual for the purpose of encouraging the giving of false information in order to establish the eligibility of any individual to register, qualify, or vote under this Act, or pays, or offers to pay, or accepts payment either for registration to vote or for voting shall be fined not more than $5,000, or imprisoned not more than five years, or both.

SEVERABILITY

SEC. 6. If any provision of this Act is held invalid, the validity of the remainder of the Act shall not be affected. 42 USC 1973dd-4.

EFFECT ON CERTAIN OTHER LAWS

42 USC 1973dd-5.

SEC. 7. Nothing in this Act shall—

(1) be deemed to require registration in any State or election district in which registration is not required as a precondition to voting in any Federal election; or

(2) prevent any State or election district from adopting or following any voting practice which is less restrictive than the practices prescribed by this Act.

EFFECTIVE DATE

42 USC 1973dd note.

SEC. 8. The provisions of the Act shall apply with respect to any Federal election held on or after January 1, 1976.

Approved January 2, 1976.

LEGISLATIVE HISTORY:

HOUSE REPORT No. 94-649 (Comm. on House Administration).
SENATE REPORT No. 94-121 (Comm. on Rules and Administration).
CONGRESSIONAL RECORD, Vol. 121 (1975):
May 15, considered and passed Senate.
Dec. 10, considered and passed House, amended.
Dec. 18, Senate concurred in House amendment.

Public Law 94-204
94th Congress

An Act

To provide, under or by amendment of the Alaska Native Claims Settlement Act, for the late enrollment of certain Natives, the establishment of an escrow account for the proceeds of certain lands, the treatment of certain payments and grants, and the consolidation of existing regional corporations, and for other purposes.

Jan. 2, 1976
[S. 1469]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) the Secretary of the Interior (hereinafter in this Act referred to as the "Secretary") is directed to review those applications submitted within one year from the date of enactment of this Act by applicants who failed to meet the March 30, 1973, deadline for enrollment established by the Secretary pursuant to the Alaska Native Claims Settlement Act (hereinafter in this Act referred to as the "Settlement Act"), and to enroll those Natives under the provisions of that Act who would have been qualified if the March 30, 1973, deadline had been met: *Provided*, That Natives enrolled under this Act shall be issued stock under the Settlement Act together with a pro rata share of all future distributions under the Settlement Act which shall commence beginning with the next regularly scheduled distribution after the enactment of this Act: *Provided further*, That land entitlement of any Native village, Native group, Village Corporation, or Regional Corporation, all as defined in such Act, shall not be affected by any enrollment pursuant to this Act, and that no tribe, band, clan, group, village, community, or association not otherwise eligible for land or other benefits as a "Native village", as defined in such Act, shall become eligible for land or other benefits as a Native village because of any enrollment pursuant to this Act: *Provided further*, That no tribe, band, clan, village, community, or village association not otherwise eligible for land or other benefits as a "Native group", as defined in such Act, shall become eligible for land or other benefits as a Native group because of any enrollment pursuant to this Act: *And provided further*, That any "Native group", as defined in such Act, shall not lose its status as a Native group because of any enrollment pursuant to this Act.

Alaska Native Claims Settlement Act, amendments.
43 USC 1604 note.

43 USC 1601 note.

(b) The Secretary is authorized to poll individual Natives properly enrolled to Native villages or Native groups which are not recognized as Village Corporations under section 11 of the Settlement Act and which are included within the boundaries of former reserves the Village Corporation or Corporations of which elected to acquire title to the surface and subsurface estate of said reserves pursuant to subsection 19(b) of the Settlement Act. The Secretary may allow these individuals the option to enroll to a Village Corporation which elected the surface and subsurface title under section 19(b) or remain enrolled to the Regional Corporation in which the village or group is located on an at-large basis: *Provided*, That nothing in this subsection shall affect existing entitlement to land of any Regional Corporation pursuant to section 12(b) or 14(h)(8) of the Settlement Act.

43 USC 1610.

43 USC 1618.

43 USC 1611, 1613.

(c) In those instances where, on the roll prepared under section 5 of the Settlement Act, there were enrolled as residents of a place on April 1, 1970, a sufficient number of Natives required for a Native

43 USC 1604.

village or Native group, as the case may be, and it is subsequently and finally determined that such place is not eligible for land benefits under the Act on grounds which include a lack of sufficient number of residents, the Secretary shall, in accordance with the criteria for residence applied in the final determination of eligibility, redetermine the place of residence on April 1, 1970, of each Native enrolled to such place, and the place of residence as so redetermined shall be such Native's place of residence on April 1, 1970, for all purposes under the Settlement Act: *Provided*, That each Native whose place of residence on April 1, 1970, is changed by reason of this subsection shall be issued stock in the Native corporation or corporations in which such redetermination entitles him to membership and all stock issued to such Native by any Native Corporation in which he is no longer eligible for membership shall be deemed canceled: *Provided further*, That no redistribution of funds made by any Native Corporation on the basis of prior places of residence shall be affected: *Provided further*, That land entitlements of any Native village, Native group, Village Corporation, Regional Corporation, or corporations organized by Natives residing in Sitka, Kenai, Juneau, or Kodiak, all as defined in said Act, shall not be affected by any determination of residence made pursuant to this subsection, and no tribe, band, clan, group, village, community, or association not otherwise eligible for land or other benefits as a "Native group" as defined in said Act, shall become eligible for land or other benefits as a Native group because of any redetermination of residence pursuant to this subsection: *Provided further*, That any distribution of funds from the Alaska Native Fund pursuant to subsection (c) of section 6 of the Settlement Act made by the Secretary or his delegate prior to any redetermination of residency shall not be affected by the provisions of this subsection. Each Native whose place of residence is subject to redetermination as provided in this subsection shall be given notice and an opportunity for hearing in connection with such redetermination as shall any Native Corporation which it appears may gain or lose stockholders by reason of such redetermination of residence.

43 USC 1601 note.

43 USC 1605.

Escrow account. 43 USC 1613 note.

SEC. 2. (a) From and after the date of enactment of this Act, or January 1, 1976, whichever occurs first, any and all proceeds derived from contracts, leases, permits, rights-of-way, or easements pertaining to lands or resources of lands withdrawn for Native selection pursuant to the Settlement Act shall be deposited in an escrow account which shall be held by the Secretary until lands selected pursuant to that Act have been conveyed to the selecting corporation or individual entitled to receive benefits under such Act. As such withdrawn or formerly reserved lands are conveyed, the Secretary shall pay from such account the proceeds, together with interest which derive from contracts, leases, permits, rights-of-way, or easements, pertaining to such lands or resources of such lands, to the appropriate corporation or individual entitled to receive benefits under the Settlement Act. The proceeds derived from contracts, leases, permits, rights-of-way, or easements, pertaining to lands withdrawn or reserved, but not selected or elected pursuant to such Act, shall, upon the expiration of the selection or election rights of the corporations and individuals for whose benefit such lands were withdrawn or reserved, be paid as would have been required by law were it not for the provisions of this Act.

(b) The Secretary is authorized to deposit in the Treasury of the United States the escrow account proceeds referred to in subsection (a) of this section, and the United States shall pay interest thereon semiannually from the date of deposit to the date of payment with simple interest at the rate determined by the Secretary of the Treasury

to be the rate payable on short-term obligations of the United States prevailing at the time of payment: *Provided*, That the Secretary in his discretion may withdraw such proceeds from the United States Treasury and reinvest such proceeds in the manner provided by the first section of the Act of June 24, 1938 (52 U.S.C. 1037): *Provided further*, That this section shall not be construed to create or terminate any trust relationship between the United States and any corporation or individual entitled to receive benefits under the Settlement Act.

52 Stat. 1037.
25 USC 162a.
43 USC 1601 note.

(c) Any and all proceeds from public easements reserved pursuant to section 17(b)(3) of the Settlement Act, from or after the date of enactment of this Act, shall be paid to the grantee of such conveyance in accordance with such grantee's proportionate share.

43 USC 1616.

(d) To the extent that there is a conflict between the provisions of this section and any other Federal laws applicable to Alaska, the provisions of this section will govern. Any payment made to any corporation or any individual under authority of this section shall not be subject to any prior obligation under section 9(d) or 9(f) of the Settlement Act.

43 USC 1608.

SEC. 3. The Settlement Act is amended by adding at the end thereof the following new section:

"TEMPORARY EXEMPTION FROM CERTAIN SECURITIES LAWS

"SEC. 28. Any corporation organized pursuant to this Act shall be exempt from the provisions of the Investment Company Act of 1940 (54 Stat. 789), the Securities Act of 1933 (48 Stat. 74), and the Securities Exchange Act of 1934 (48 Stat. 881), as amended, through December 31, 1991. Nothing in this section, however, shall be construed to mean that any such corporation shall or shall not, after such date, be subject to the provisions of such Acts. Any such corporation which, but for this section, would be subject to the provisions of the Securities Exchange Act of 1934 shall transmit to its stockholders each year a report containing substantially all the information required to be included in an annual report to stockholders by a corporation which is subject to the provisions of such Act.".

43 USC 1625.
15 USC 80a-51
15 USC 77a.
15 USC 78a.

SEC. 4. The Settlement Act is further amended by adding at the end thereof the following new section:

"RELATION TO OTHER PROGRAMS

"SEC. 29. (a) The payments and grants authorized under this Act constitute compensation for the extinguishment of claims to land, and shall not be deemed to substitute for any governmental programs otherwise available to the Native people of Alaska as citizens of the United States and the State of Alaska.

43 USC 1626.

"(b) Notwithstanding section 5(a) and any other provision of the Food Stamp Act of 1964 (78 Stat. 703), as amended, in determining the eligibility of any household to participate in the food stamp program, any compensation, remuneration, revenue, or other benefit received by any member of such household under the Settlement Act shall be disregarded.".

7 USC 2014.

SEC. 5. For purposes of the first section of the Act of February 12, 1929 (45 Stat. 1164), as amended, and the first section of the Act of June 24, 1938 (52 Stat. 1037), the Alaska Native Fund shall, pending distributions under section 6(c) of the Settlement Act, be considered to consist of funds held in trust by the Government of the United States for the benefit of Indian tribes: *Provided*, That nothing in this section shall be construed to create or terminate any trust relationship

43 USC 1605 note.
25 USC 161a.
25 USC 162a.
43 USC 1605.

between the United States and any corporation or individual entitled to receive benefits under the Settlement Act.

43 USC 1601 note.

SEC. 6. The Settlement Act is further amended by adding a new section 30 to read as follows:

"MERGER OF NATIVE CORPORATIONS

43 USC 1627. 43 USC 1606, 1607, 1613.

"SEC. 30. (a) Notwithstanding any provision of this Act, any corporation created pursuant to section 7(d), 8(a), 14(h)(2), or 14(h)(3) within any of the twelve regions of Alaska, as established by section 7(a), may, at any time, merge or consolidate, pursuant to the applicable provisions of the laws of the State of Alaska, with any other of such corporation or corporations created within or for the same region. Any corporations resulting from mergers or consolidations further may merge or consolidate with other such merged or consolidated corporations within the same region or with other of the corporations created in said region pursuant to section 7(d), 8(a), 14(h)(2), or 14(h)(3).

"(b) Such mergers or consolidations shall be on such terms and conditions as are approved by vote of the shareholders of the corporations participating therein, including, where appropriate, terms providing for the issuance of additional shares of Regional Corporation stock to persons already owning such stock, and may take place pursuant to votes of shareholders held either before or after the enactment of this section: *Provided*, That the rights accorded under Alaska law to dissenting shareholders in a merger or consolidation may not be exercised in any merger or consolidation pursuant to this Act effected prior to December 19, 1991. Upon the effectiveness of any such mergers or consolidations the corporations resulting therefrom and the shareholders thereof shall succeed and be entitled to all the rights, privileges, and benefits of this Act, including but not limited to the receipt of lands and moneys and exemptions from various forms of Federal, State, and local taxation, and shall be subject to all the restrictions and obligations of this Act as are applicable to the corporations and shareholders which and who participated in said mergers or consolidations or as would have been applicable if the mergers or consolidations and transfers of rights and titles thereto had not taken place: *Provided*, That, where a Village Corporation organized pursuant to section 19(b) of this Act merges or consolidates with the Regional Corporation of the region in which such village is located or with another Village Corporation of that region, no provision of such merger or consolidation shall be construed as increasing or otherwise changing regional enrollments for purposes of distribution of the Alaska Native Fund; land selection eligibility; or revenue sharing pursuant to sections 6(c), 7(m), 12(b), 14(h)(8), and 7(i) of this Act.

43 USC 1618.

43 USC 1605, 1611.

"(c) Notwithstanding the provisions of section 7 (j) or (m), in any merger or consolidation in which the class of stockholders of a Regional Corporation who are not residents of any of the villages in the region are entitled under Alaska law to vote as a class, the terms of the merger or consolidation may provide for the alteration or elimination of the right of said class to receive dividends pursuant to said section 7 (j) or (m). In the event that such dividend right is not expressly altered or eliminated by the terms of the merger or consolidation, such class of stockholders shall continue to receive such dividends pursuant to section 7 (j) or (m) as would have been applicable if the merger or consolidation had not taken place and all Village Corporations within the affected region continued to exist separately.

"(d) Notwithstanding any other provision of this section or of any other law, no corporation referred to in this section may merge or consolidate with any other such corporations unless that corporation's shareholders have approved such merger or consolidation.

"(e) The plan of merger or consolidation shall provide that the right of any affected Village Corporation pursuant to section 14(f) to withhold consent to mineral exploration, development, or removal within the boundaries of the Native village shall be conveyed, as part of the merger or consolidation, to a separate entity composed of the Native residents of such Native village.". 43 USC 1613.

SEC. 7. Section 17(a)(10) of the Settlement Act is amended to read as follows: Report to President, Congress, Governor, and State legislature.

"(10) The Planning Commission shall submit, in accordance with this paragraph, comprehensive reports to the President of the United States, the Congress, and the Governor and legislature of the State with respect to its planning and other activities under this Act, together with its recommendations for programs or other actions which it determines should be implemented or taken by the United States and the State. An interim, comprehensive report covering the above matter shall be so submitted on or before May 30, 1976. A final and comprehensive report covering the above matter shall be so submitted on or before May 30, 1979. The Commission shall cease to exist effective June 30, 1979.". 43 USC 1616. Interim report. Final report. Termination date.

SEC. 8. (a) Notwithstanding the October 6, 1975, order of the United States District Court for the District of Columbia in the case of Alaska Native Association of Oregon et al. against Rogers C. B. Morton et al., Civil Action Numbered 2133-73, and Alaska Federation of Natives International, Inc., et al. against Rogers C. B. Morton, et al., Civil Action Numbered 2141-73 (F. Supp.), changes in enrollment of Natives which are necessitated or permitted by such order shall in no way affect land selection entitlements of any Alaska Regional or Village Corporation nor any Native village or group eligibility. 43 USC 1604 note.

(b) Stock previously issued by any of the twelve Regional Corporations in Alaska or by Village Corporations to any Native who is enrolled in the thirteenth region pursuant to said order shall, upon said enrollment, be canceled by the issuing corporation without liability to it or the Native whose stock is so canceled: *Provided*, That, in the event that a Native enrolled in the thirteenth region pursuant to said order shall elect to re-enroll in the appropriate Regional Corporation in Alaska pursuant to the sixth ordering paragraph of that order, stock of such Native may be canceled by the Thirteenth Regional Corporation and stock may be issued to such Native by the appropriate Regional Corporation in Alaska without liability to either corporation or to the Native.

(c) Whenever additional enrollment under the Settlement Act is permitted pursuant to this Act or any other provision of law, any Native enrolling under such authority who is determined not to be a permanent resident of the State of Alaska under criteria established pursuant to the Settlement Act shall, at the time of enrollment, elect whether to be enrolled in the thirteenth region or in the region determined pursuant to the provisions of section 5(b) of such Act and such election shall apply to all dependent members of such Native's household who are less than eighteen years of age on the date of such election. 43 USC 1601 note. 43 USC 1604.

(d) No change in the final roll of Natives established by the Secretary pursuant to section 5 of the Settlement Act resulting from any regulation promulgated by the Secretary of the Interior providing for

the disenrollment of Natives shall affect land entitlements of any Regional or Village Corporation or any Native village or group eligibility.

43 USC 1615. SEC. 9. Section 16 of the Settlement Act is amended by inserting at the end thereof a new subsection (d) to read as follows:

"(d) The lands enclosing and surrounding the village of Klukwan which were withdrawn by subsection (a) of this section are hereby rewithdrawn to the same extent and for the same purposes as provided by said subsection (a) for a period of one year from the date of enactment of this subsection, during which period the Village Corporation for the village of Klukwan shall select an area equal to twenty-three thousand and forty acres in accordance with the provisions of subsection (b) of this section and such Corporation and the shareholders thereof shall otherwise participate fully in the benefits provided by this Act to the same extent as they would have participated had they not elected to acquire title to their former reserve as provided by section 19(b) of this Act: *Provided*, That nothing in this subsection shall affect the existing entitlement of any Regional Corporation to lands pursuant to section 14(h)(8) of this Act: *Provided further*, That the foregoing provisions of this subsection shall not become effective unless and until the Village Corporation for the village of Klukwan shall quitclaim to Chilkat Indian Village, organized under the provisions of the Act of June 18, 1934 (48 Stat. 984), as amended by the Act of May 1, 1936 (49 Stat. 1250), all its right, title, and interest in the lands of the reservation defined in and vested by the Act of September 2, 1957 (71 Stat. 596), which lands are hereby conveyed and confirmed to said Chilkat Indian Village in fee simple absolute, free of trust and all restrictions upon alienation, encumbrance, or otherwise: *Provided further*, That the United States and the Village Corporation for the village of Klukwan shall also quitclaim to said Chilkat Indian Village any right or interest they may have in and to income derived from the reservation lands defined in and vested by the Act of September 2, 1957 (71 Stat. 597), after the date of enactment of this Act and prior to the date of enactment of this subsection.".

43 USC 1618.
43 USC 1613.
25 Stat. 461.
25 Stat. 473a.
71 Stat. 596.

43 USC 1615. SEC. 10. Section 16(b) of the Settlement Act is amended by adding at the end thereof the following: "Such allocation as the Regional Corporation for the southeastern Alaska region shall receive under section 14(h)(8) shall be selected and conveyed from lands not selected by such Village Corporations that were withdrawn by subsection (a) of this section, except lands on Admiralty Island in the Angoon withdrawal area and, without the consent of the Governor of the State of Alaska or his delegate, lands in the Saxman and Yakutat withdrawal areas.".

43 USC 1613 note. SEC. 11. The boundary between the southeastern and Chugach regions shall be the 141st meridian: *Provided*, That the Regional Corporation for the Chugach region shall accord to the Natives enrolled to the Village of Yakutat the same rights and privileges to use any lands which may be conveyed to the Regional Corporation in the vicinity of Icy Bay for such purposes as such Natives have traditionally made thereof, including, but not limited to, subsistence hunting, fishing and gathering, as the Regional Corporation accords to its own shareholders, and shall take no unreasonable or arbitrary action relative to such lands for the primary purpose and having the effect, of impairing or curtailing such rights and privileges.

43 USC 1611 note. SEC. 12. (a) The purpose of this section is to provide for the settlement of certain claims, and in so doing to consolidate ownership among the United States, the Cook Inlet Region, Incorporated (hereinafter in this section referred to as the "Region"), and the State of Alaska,

within the Cook Inlet area of Alaska in order to facilitate land management and to create land ownership patterns which encourage settlement and development in appropriate areas. The provisions of this section shall take effect at such time as all of the following have taken place:

(1) the State of Alaska has conveyed or irrevocably obligated itself to convey lands to the United States for exchange, hereby authorized, with the Region in accordance with the document referred to in subsection (b);

(2) the Region and all plaintiffs/appellants have withdrawn from Cook Inlet against Kleppe, numbered 75-2232, ninth circuit, and such proceedings have been dismissed with prejudice; and

(3) all Native village selections under section 12 of the Settlement Act of the lands within Lake Clark, Lake Kontrashibuna, and Mulchatna River deficiency withdrawals have been irrevocably withdrawn and waived.

The conveyances described in paragraph (1) of this subsection shall not be subject to the provisions of section 6(i) of the Alaska Statehood Act (72 Stat. 339). 48 USC prec. 21 note.

(b) The Secretary shall make the following conveyances to the Region, in accordance with the specific terms, conditions, procedures, covenants, reservations, and other restrictions set forth in the document entitled "Terms and Conditions for Land Consolidation and Management in Cook Inlet Area", which was submitted to the House Committee on Interior and Insular Affairs on December 10, 1975, the terms of which are hereby ratified as to the duties and obligations of the United States and the Region, as a matter of Federal law:

(1) title to approximately 10,240 acres of land within the Kenai National Moose Range; except that there shall be no conveyance of the bed of Lake Tustamena, or the mineral estate in the waterfront zone described in the document referred to in this subsection;

(2) title to oil and gas and coal in not to exceed 9.5 townships within the Kenai National Moose Range;

(3) title to Federal interests in township 10 south, range 9 west, F.M., and township 20 north, range 9 east, S.M.;

(4) title to township 1 south, range 21 west, S.M.: sections 3 to 10, 15 to 22, 29, and 30; and rights to metalliferous minerals in the following sections in township 1 north, range 21 west, S.M.: sections 13, 14, 15, 22, 23, 24, 25, 26, 27, 28, 32, 33, 34, 35, 36;

(5) title to twenty-nine and sixty-six hundredths townships of land outside the boundaries of Cook Inlet Region: unless pursuant to the document referred to in this subsection a greater or lesser entitlement shall exist, in which case the Secretary shall convey such entitlement;

(6) title to lands selected by the Region from a pool which shall be established by the Secretary and the Administrator of General Services: *Provided*, That conveyances pursuant to this paragraph shall not be subject to the provisions of section 22(l) of the Settlement Act: *Provided further*, That conveyances pursuant to this paragraph shall be made in exchange for lands or rights to select lands outside the boundaries of Cook Inlet Region as described in paragraph (5) of this subsection and on the basis of values determined by agreement among the parties, notwithstanding any other provision of law. Effective upon their conveyance, the lands referred to in paragraph (1) of this subsection are excluded from the Kenai National Moose Range, but they shall automatically become part of the range and subject 43 USC 1621.

to the laws and regulations applicable thereto upon title thereafter vesting in the United States. The Secretary is authorized to acquire lands formerly within the range with the concurrence of the Region so long as the Region owns such lands. Section 22(e) of the Settlement Act, concerning refuge replacement, shall apply with respect to lands conveyed pursuant to paragraphs (1) and (2) of this subsection, except that the Secretary may designate for replacement land twice the amount of any land conveyed without restriction to a native corporation.

43 USC 1621.

No lands outside the exterior boundaries of Cook Inlet Region shall be conveyed to the Region, unless, in the following circumstances, the consent of other Native Corporations is obtained:

(i) Where the township to be nominated is located within an area withdrawn as of December 15, 1975, pursuant to section 11(a)(1) of the Settlement Act, the Region shall obtain the consent of the Regional Corporation and Village Corporation affected.

43 USC 1610.

(ii) Where the township to be nominated is located within an area withdrawn pursuant to section 11(a)(3) of the Settlement Act as of December 15, 1975, the Region shall obtain the consent of the Region in which the township is located.

There shall be established a buffer zone outside the withdrawals described in subparagraphs (i) and (ii) which zone shall extend one township from any such section 11(a)(3) withdrawal and one and one-half townships from any section 11(a)(1) withdrawal. Any nomination of a township within such zone shall be subject to the consent of the Region, or of the Village Corporation if adjacent to a section 11(a)(1) withdrawal: *Provided, however*, That the affected Regional Corporation may designate additional lands to be included by substitution in the buffer zone so long as the buffer zone location is no greater than two townships in width and the total acreage of the buffer zone is not enlarged. The affected Regional Corporation shall designate the enlarged buffer zone, if any, no later than six months following the passage of this Act. Any use or development by the Region of land conveyed under this paragraph shall give due protection to the existing subsistence uses of such lands by the residents of the area; and no easement across Village Corporation lands to lands conveyed under this paragraph shall be established without the consent of the said Village Corporation or Corporations.

(c) The lands and interests conveyed to the Region under the foregoing subsections of this section and the lands provided by the State exchange under subsection (a)(1) of this section, shall be considered and treated as conveyances under the Settlement Act unless otherwise provided, and shall constitute the Region's full entitlement under sections 12(c) and 14(h)(8) of the Settlement Act. Of such lands, 3.58 townships of oil and gas and coal in the Kenai National Moose Range shall constitute the full surface and subsurface entitlement of the Region under section 14(h)(8). The lands which would comprise the difference in acreage between the lands actually conveyed under and referred to in the foregoing subsections of this section, and any final determination of what the Region's acreage rights under sections 12(c) and 14(h)(8) of the Settlement Act would have been, if the conveyances set forth in this section to the Region had not been executed, shall be retained by the United States and shall not be available for conveyance to any Regional Corporation or Village Corporation, notwithstanding any provisions of the Settlement Act to the contrary.

43 USC 1611, 1613.

(d)(1) The Secretary shall convey to the State of Alaska all right, title, and interest of the United States in and to all of the following lands:

(i) At least 22.8 townships and no more than 27 townships of land from those presently withdrawn under section 17(d)(2) of the Settlement Act in the Lake Iliamna area and within the Nushagak River or Koksetna River drainages near lands heretofore selected by the State, the amount and identities of which shall be determined pursuant to the document referred to in subsection (b); and 43 USC 1616.

(ii) 26 townships of lands in the Talkeetna Mountains, Kamishak Bay, and Tutna Lake areas, the identities of which are set forth in the document referred to in subsection (b).

All lands granted to the State of Alaska pursuant to this subsection shall be regarded for all purposes as if conveyed to the State under and pursuant to section 6 of the Alaska Statehood Act: *Provided, however*, That this grant of lands shall not constitute a charge against the total acreage to which the State is entitled under section 6(b) of the Alaska Statehood Act. 48 USC prec. 21 note.

(2) The Secretary is authorized and directed to convey to the State of Alaska, without consideration, all right, title, and interest of the United States in and to all of that tract generally known as the Campbell tract and more particularly identified in the document referred to in subsection (b) except for one compact unit of land which he determines, after consultation with the State of Alaska, is actually needed by the Bureau of Land Management for its present operations: *Provided*, That in no event shall the unit of land so excepted exceed 1,000 acres in size. The land authorized to be conveyed pursuant to this paragraph shall be used for public parks and recreational purposes and other compatible public purposes in accordance with the generalized land use plan outlined in the Greater Anchorage Area Borough's Far North Bicentennial Park Master Development Plan of September 1974. Except as provided otherwise in this paragraph, in making the conveyance authorized and required by this paragraph, the Secretary shall utilize the procedures of the Recreation and Public Purposes Act (44 Stat. 741), as amended, and regulations developed pursuant to that Act, and the conveyance of such lands shall also contain a provision that, if the lands cease to be used for the purposes for which they were conveyed; the lands and title thereto shall revert to the United States: *Provided, however*, That the acreage limitation provided by section 1(b) of that Act, as amended by the Act of June 4, 1954 (68 Stat. 173), shall not apply to this conveyance, nor shall the lands conveyed pursuant to this paragraph be counted against that acreage limitation with respect to the State of Alaska or any subdivision thereof. 43 USC 869. 43 USC 869.

(3) The Secretary is authorized and directed to make available for selection by the State, in its discretion, under section 6 of the Alaska Statehood Act, 12.4 townships of land to be selected from lands within the Talkeetna Mountains and Koksetna River areas as described in the document referred to in subsection (b).

(e) The Secretary may, notwithstanding any other provision of law to the contrary, convey title to lands and interests in lands selected by Native corporations within the exterior boundaries of Power Site Classification 443, February 13, 1958, to such corporations, subject to the reservations required by section 24 of the Federal Power Act. This conveyance shall be considered and treated as a conveyance under the Settlement Act. 16 USC 818. 43 USC 1601 note.

(f) All conveyances of lands made or to be made by the State of Alaska in satisfaction of the terms and conditions of the document referred to in subsection (b) of this section shall pass all of the State's right, title, and interest in such lands, including the minerals therein,

43 USC 1621.

as if those conveyances were made pursuant to section 22(f) of the Settlement Act, except that dedicated or platted section line easements and highway and other rights-of-way may be reserved to the State.

Appropriation authorization.

(g) The Secretary, through the National Park Service, shall provide financial assistance, not to exceed $25,000, hereby authorized to be appropriated, and technical assistance to the Region for the purpose of developing and implementing a land use plan for the west side of Cook Inlet, including an analysis of alternative uses of such lands.

43 USC 1611.

(h) Village Corporations within the Cook Inlet Region shall have until December 18, 1976, to file selections under section 12(b) of the Settlement Act, notwithstanding any provision of that Act to the contrary.

Report to Congress.

(i) The Secretary shall report to the Congress by April 15, 1976, on the implementation of this section. If the State fails to agree to engage in a transfer with the Federal Government, pursuant to subsection (a)(1), the Secretary shall prior to December 18, 1976, make no conveyance of the lands that were to be conveyed to the Region in this section, nor shall he convey prior to such date the Point Campbell, Point Woronzof, and Campbell tracts, so that the Congress is not precluded from fashioning an appropriate remedy. In the event that the State fails to agree as aforesaid, all rights of the Region that may have been extinguished by this section shall be restored.

43 USC 1620.

SEC. 13. Section 21 of the Settlement Act is amended by adding the following subsection at the end thereof:

43 USC 1606.
43 USC 1607.

"(f) Until January 1, 1992, stock of any Regional Corporation organized pursuant to section 7, including the right to receive distributions under subsection 7(j), and stock of any Village Corporation organized pursuant to section 8 shall not be includable in the gross estate of a decedent under sections 2031 and 2033, or any successor provisions, of the Internal Revenue Code.".

26 USC 2031, 2033.

SEC. 14. (a) The Secretary shall pay, by grant, $250,000 to each of the corporations established pursuant to section 14(h)(3) of the Settlement Act.

43 USC 1618 note.
43 USC 1613.

(b) The Secretary shall pay, by grant, $100,000 to each of the following Village Corporations:

(1) Arctic Village;
(2) Elim;
(3) Gambell;
(4) Savoonga;
(5) Tetlin; and
(6) Venetie.

(c) Funds authorized under this section may be used only for planning, development, and other purposes for which the corporations set forth in subsections (a) and (b) are organized under the Settlement Act.

43 USC 1601 note.

Appropriation authorization.

(d) There is authorized to be appropriated to the Secretary for the purpose of this section a sum of $1,600,000 in fiscal year 1976.

43 USC 1611 note.

SEC. 15. (a) The Secretary shall convey under sections 12(a)(1) and 14(f) of the Settlement Act to Koniag, Incorporated, a Regional Corporation established pursuant to section 7 of said Act, such of the subsurface estate, other than title to or the right to remove gravel and common varieties of minerals and materials, as is selected by said corporation from lands withdrawn by Public Land Order 5397 for identification for selection by it located in the following described area:

43 CFR app.

Township 36 south, range 52 west;
Township 37 south, range 51 west;

Township 37 south, range 52 west;
Township 37 south, range 53 west, sections 1–4, 9–12, 13–16, 21–24, north half of 25–28;
Township 38 south, range 51 west, sections 1–5, 9, 10, 12, 13, 18, 24, 25;
Township 38 south, range 52 west, sections 1–35;
Township 38 south, range 53 west, sections 1, 12, 13, 24, 25, 36;
Township 39 south, range 51 west, sections 6, 7, 16–21, 28–33;
Township 39 south, range 52 west, sections 1, 2, 11, 12, 13–16, 21–24;
Township 39 south, range 53 west, sections 26, 33–36;
Township 40 south, range 52 west, sections 6, 7, 8, 9, 16, 17, 18–21, 27–36;
Township 40 south, range 53 west, all except sections 20, 29–33;
Township 40 south, range 54 west, all except sections 35 and 36;
Township 41 south, range 52 west, sections 4, 8–15;
Township 41 south, range 54 west, section 3;
Township 41 south, range 53 west, sections 1, 2, 11, 12, 13 S. M., Alaska, notwithstanding;

The withdrawal of such lands by Public Land Order 5179, as amended, pursuant to section 17(d)(2) of the Settlement Act: *Provided*, That notwithstanding the future designation by Congress as part of the National Park System or other national land system referred to in section 17(d)(2)(A) of the Settlement Act of the surface estate overlying any subsurface estate conveyed as provided in this section, and with or without such designation, Koniag, Incorporated, shall have such use of the surface estate, including such right of access thereto, as is reasonably necessary to the exploration for and the removal of oil and gas from said subsurface estate, subject to such regulations by the Secretary as are necessary to protect the ecology from permanent harm. 43 CFR app. 43 USC 1616.

The United States shall make available to Koniag, its successors and assigns, such sand and gravel as is reasonably necessary for the construction of facilities and rights-of-way appurtenant to the exercise of the rights conveyed under this section, pursuant to the provisions of section 601 et seq., title 30, United States Code, and the regulations implementing that statute which are then in effect.

(b) The subsurface estate in all lands other than those described in subsection (a) within the Koniag Region and withdrawn under section 17(d)(2)(E) of the Settlement Act, shall not be available for selection by Koniag Region, Incorporated.

SEC. 16. Within ninety days after the date of enactment of this Act, the corporation created by the enrolled residents of the Village of Tatitlek may file selections upon any of the following described lands: Copper River Meridian 43 USC 1611 note.

Township 9 south, range 3 east, sections 23, 26, 31–35.
Township 10 south, range 3 east, sections 2–27, 34–36.
Township 11 south, range 4 east, sections 5, 6, 8, 9, 16, 17, 20–22, 27–29, 33–35.
Township 9 south, range 3 east, sections 3–6, 9–11.
Township 9 south, range 3 east, sections 14–16, 21, 22, 27, 28.

The Secretary shall receive and adjudicate such selections as though they were timely filed pursuant to section 12(a) or 12(b) of the Settlement Act and were withdrawn pursuant to section 11 of that Act. 43 USC 1611, 1610.

The Secretary shall convey such lands selected pursuant to this authorization which otherwise comply with the applicable statutes and regulations. This section shall not be construed to increase the entitlement of the corporation of the enrolled residents of Tatitlek or to increase the amount of land that may be selected from the National Forest System. The subsurface of any land selected pursuant to this section shall be conveyed to the Regional Corporation for the Chugach Region pursuant to section 14(f) of the Settlement Act.

43 USC 1613.

43 USC 1621.

SEC. 17. Section 22(f) of the Settlement Act is amended to provide as follows:

"(f) the Secretary, the Secretary of Defense, the Secretary of Agriculture, and the State of Alaska are authorized to exchange lands or interests therein, including Native selection rights, with the corporations organized by Native groups, Village Corporations, Regional Corporations, and the corporations organized by Natives residing in Juneau, Sitka, Kodiak, and Kenai, all as defined in this Act, and other municipalities and corporations or individuals, the State (acting free of the restrictions of section 6(i) of the Alaska Statehood Act), or any Federal agency for the purpose of effecting land consolidations or to facilitate the management or development of the land, or for other public purposes. Exchanges shall be on the basis of equal value, and either party to the exchange may pay or accept cash in order to equalize the value of the property exchanged: *Provided*, That when the parties agree to an exchange and the appropriate Secretary determines it is in the public interest, such exchanges may be made for other than equal value.".

48 USC prec. 21 note.

43 USC 1625 note.

43 USC 1601 note.

SEC. 18. Except as specifically provided in this Act, (i) the provisions of the Settlement Act are fully applicable to this Act, and (ii) nothing in this Act shall be construed to alter or amend any of such provisions.

Approved January 2, 1976.

LEGISLATIVE HISTORY:

HOUSE REPORT No. 94-729 accompanying H.R. 6644 (Comm. on Interior and Insular Affairs).

SENATE REPORT No. 94-361 (Comm. on Interior and Insular Affairs).

CONGRESSIONAL RECORD, Vol. 121 (1975):

Aug. 1, considered and passed Senate.

Dec. 16, considered and passed House, amended, in lieu of H.R. 6644.

Dec. 18, Senate concurred in House, amendment with amendments.

Dec. 19, House concurred in Senate amendments.

Public Law 94-205
94th Congress

An Act

To amend the Real Estate Settlement Procedures Act of 1974.

Jan. 2, 1976
[S. 2327]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Real Estate Settlement Procedures Act Amendments of 1975".

Real Estate Settlement Procedures Act Amendments of 1975.
12 USC 2601 note.

SEC. 2. Section 3(1) of the Real Estate Settlement Procedures Act of 1974 is amended— 12 USC 2602.

(1) by inserting "(other than temporary financing such as a construction loan)" immediately after "includes any loan";

(2) by inserting "a first lien on" immediately after "is secured by" in subparagraph (A);

(3) by striking out "is eligible for purchase by" in subparagraph (B)(iii) and inserting in lieu thereof "is intended to be sold by the originating lender to";

(4) by striking out "or" the first time it appears in subparagraph (B)(iii);

(5) by striking out "from any" and "could" in subparagraph (B)(iii) and inserting in lieu thereof "a" and "is to", respectively; and

(6) by inserting the following immediately before the semicolon at the end of subparagraph (B)(iv): ", except that for the purpose of this Act, the term 'creditor' does not include any agency or instrumentality of any State".

SEC. 3. Section 4 of the Real Estate Settlement Procedures Act of 1974 is amended— 12 USC 2603.

(1) by inserting "(a)" immediately before "The Secretary" in the first sentence;

(2) by striking out the words "minimum" and "unavoidable" in the parenthetical phrase in the first sentence;

(3) by striking out the last sentence thereof and inserting in lieu thereof the following new sentences: "The Secretary may, by regulation, permit the deletion from the form prescribed under this section of items which are not, under local laws or customs, applicable in any locality, except that such regulation shall require that the numerical code prescribed by the Secretary be retained in forms to be used in all localities. Nothing in this section may be construed to require that that part of the standard form which relates to the borrower's transaction be furnished to the seller, or to require that that part of the standard form which relates to the seller be furnished to the borrower."; and

(4) by adding at the end thereof the following new subsection:

"(b) The form prescribed under this section shall be completed and made available for inspection by the borrower at or before settlement by the person conducting the settlement, except that (1) the Secretary may exempt from the requirements of this section settlements occurring in localities where the final settlement statement is not customarily provided at or before the date of settlement, or settlements where such requirements are impractical and (2) the borrower may, in accordance

with regulations of the Secretary, waive his right to have the form made available at such time. Upon the request of the borrower to inspect the form prescribed under this section during the business day immediately preceding the day of settlement, the person who will conduct the settlement shall permit the borrower to inspect those items which are known to such person during such preceding day.".

12 USC 2604.

SEC. 4. Section 5 of the Real Estate Settlement Procedures Act of 1974 is amended—

(1) by redesignating subsections (c) and (d) as subsections (d) and (e), respectively;

(2) by inserting after subsection (b) the following new subsection:

"(c) Each lender shall include with the booklet a good faith estimate of the amount or range of charges for specific settlement services the borrower is likely to incur in connection with the settlement as prescribed by the Secretary.";

(3) by striking out "an application" in the first sentence of subsection (d), as redesignated by paragraph (1) of this section, and inserting in lieu thereof "or for whom it prepares a written application"; and

(4) by inserting "or preparation" immediately after "receipt" in the second sentence of subsection (d), as redesignated by paragraph (1) of this section.

Repeal.
12 USC 2605.

SEC. 5. Section 6 of the Real Estate Settlement Procedures Act of 1974 is repealed.

Repeal.
12 USC 2606.

SEC. 6. Section 7 of the Real Estate Settlement Procedures Act of 1974 is repealed.

12 USC 2607.

SEC. 7. Section 8 of the Real Estate Settlement Procedures Act of 1974 is amended in subsection (c) by striking out "or" immediately before "(2)", and by inserting before the period at the end thereof the following: ", or (3) payments pursuant to cooperative brokerage and referral arrangements or agreements between real estate agents and brokers, or (4) such other payments or classes of payments or other transfers as are specified in regulations prescribed by the Secretary, after consultation with the Attorney General, the Administrator of Veterans' Affairs, the Federal Home Loan Bank Board, the Federal Deposit Insurance Corporation, the Board of Governors of the Federal Reserve System, and the Secretary of Agriculture".

12 USC 2609.

SEC. 8. Section 10 of the Real Estate Settlement Procedures Act of 1974 is amended to read as follows:

"ESCROW ACCOUNTS

"SEC. 10. A lender, in connection with a federally related mortgage loan, may not require the borrower or prospective borrower—

"(1) to deposit in any escrow account which may be established in connection with such loan for the purpose of assuring payment of taxes, insurance premiums, or other charges with respect to the property, in connection with the settlement, an aggregate sum (for such purpose) in excess of a sum that will be sufficient to pay such taxes, insurance premiums and other charges attributable to the period beginning on the last date on which each such charge would

have been paid under the normal lending practice of the lender and local custom, provided that the selection of each such date constitutes prudent lending practice, and ending on the due date of its first full installment payment under the mortgage, plus one-sixth of the estimated total amount of such taxes, insurance premiums and other charges to be paid on dates, as provided above, during the ensuing twelve-month period; or

"(2) to deposit in any such escrow account in any month beginning with the first full installment payment under the mortgage a sum (for the purpose of assuring payment of taxes, insurance premiums and other charges with respect to the property) in excess of the sum of (A) one-twelfth of the total amount of the estimated taxes, insurance premiums and other charges which are reasonably anticipated to be paid on dates during the ensuing twelve months which dates are in accordance with the normal lending practice of the lender and local custom, provided that the selection of each such date constitutes prudent lending practice, plus (B) such amount as is necessary to maintain an additional balance in such escrow account not to exceed one-sixth of the estimated total amount of such taxes, insurance premiums and other charges to be paid on dates, as provided above, during the ensuing twelve-month period: *Provided, however*, That in the event the lender determines there will be or is a deficiency he shall not be prohibited from requiring additional monthly deposits in such escrow account to avoid or eliminate such deficiency.".

SEC. 9. Section 18 of the Real Estate Settlement Procedures Act of 1974 is amended by striking out subsection (b) and by striking out "(a)" in subsection (a). 12 USC 2616.

SEC. 10. The Real Estate Settlement Procedures Act of 1974 is amended by redesignating section 19 as section 20 and by inserting the following new section immediately after section 18: 12 USC 2601 note.

"AUTHORITY OF THE SECRETARY

"SEC. 19. (a) The Secretary is authorized to prescribe such rules and regulations, to make such interpretations, and to grant such reasonable exemptions for classes of transactions, as may be necessary to achieve the purposes of this Act. Rules and regulations. 12 USC 2617.

"(b) No provision of this Act or the laws of any State imposing any liability shall apply to any act done or omitted in good faith in conformity with any rule, regulation, or interpretation thereof by the Secretary or the Attorney General, notwithstanding that after such act or omission has occurred, such rule, regulation, or interpretation is amended, rescinded, or determined by judicial or other authority to be invalid for any reason.".

SEC. 11. Section 121(c) of the Truth in Lending Act is repealed. Repeal. 15 USC 1631.

Effective date.
12 USC 2602 note.

12 USC 2603, 2604.

SEC. 12. The provisions of this Act and the amendments made hereby shall become effective upon enactment. The Secretary may suspend for up to one hundred and eighty days from the date of enactment of this Act any provision of section 4 and section 5 of the Real Estate Settlement Procedures Act of 1974, as amended by this Act.

Approved January 2, 1976.

LEGISLATIVE HISTORY:

HOUSE REPORTS: No. 94-667 (Comm. on Banking, Currency, and Housing) and 94-769 (Comm. of Conference).
SENATE REPORT No. 94-410 (Comm. on Banking, Housing, and Urban Affairs).
CONGRESSIONAL RECORD, Vol. 121 (1975):
Oct. 9, considered and passed Senate.
Nov. 17, considered and passed House, amended.
Dec. 8, Senate concurred in House amendments with amendments.
Dec. 19, House and Senate agreed to conference report.

PRIVATE LAWS

FIRST SESSION, NINETY-FOURTH CONGRESS

PRIVATE LAWS

FIRST SESSION, NINETY-FOURTH CONGRESS

Private Law 94–1
94th Congress

An Act

For the relief of Doctor Arturo Bomolan Dela Rosa.

June 9, 1975
[S. 1842]

Dr. Arturo B. Dela Rosa.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, for the purposes of the Immigration and Nationality Act, Doctor Arturo Bomolan Dela Rosa shall be held and considered to have been lawfully admitted to the United States for permanent residence as of the date of the enactment of this Act upon payment of the required visa fee. Upon the granting of permanent residence to such alien as provided for in this Act, the Secretary of State shall instruct the proper officer to reduce by one number, during the current fiscal year or the fiscal year next following, the total number of immigrant visas and conditional entries which are made available to natives of the country of the alien's birth under paragraphs (1) through (8) of section 203(a) of the Immigration and Nationality Act.

8 USC 1153.

Approved June 9, 1975.

Private Law 94-2
94th Congress

An Act

July 7, 1975
[H.R. 1388]

For the relief of Guadalupe Villegas-Cantu.

Guadalupe Villegas-Cantu.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, for the purposes of the Immigration and Nationality Act, Guadalupe Villegas-Cantu shall be held and considered to have been lawfully admitted to the United States for permanent residence on November 26, 1948, upon payment of the required visa fee. Upon the granting of permanent residence to such alien as provided for in this Act, the Secretary of State shall instruct the proper officer to deduct one number from the total number of immigrant admissions authorized pursuant to the provisions of section 21(e) of the Act of October 3, 1965.

8 USC 1151 note.

Approved July 7, 1975.

Private Law 94–3
94th Congress

An Act

For the relief of Hendrika Koenders Lyne.

July 7, 1975
[H.R. 1556]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, for the purposes of the Immigration and Nationality Act, Hendrika Koenders Lyne shall be held and considered to have been lawfully admitted to the United States for permanent residence as of the date of the enactment of this Act, upon payment of the required visa fee. Upon the granting of permanent residence to such alien as provided for in this Act, the Secretary of State shall instruct the proper officer to deduct one number from the total number of immigrant visas and conditional entries which are made available to natives of the country of the alien's birth under paragraphs (1) through (8) of section 203(a) of the Immigration and Nationality Act.

Hendrika K. Lyne.

8 USC 1153.

Approved July 7, 1975.

Private Law 94-4
94th Congress

An Act

July 7, 1975
[H.R. 2109]

For the relief of Captain George Moore, Junior, of the United States Air Force.

Capt. George Moore, Jr., USAF.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) the Secretary of the Treasury is authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to Captain George Moore, Junior, United States Air Force, of San Antonio, Texas, compensation, in accordance with subsection (b), for ninety days of leave which he was unable to take because of his extensive hospitalization and convalescent leave following injuries sustained in a plane crash in Vietnam on March 8, 1970, and credit for which was lost under section 701 of title 10 of the United States Code because he accumulated leave in excess of sixty days. The compensation to be paid under this subsection shall be in addition to payments for accrued leave to which he may be entitled under section 501 of title 37 of the United States Code upon his retirement.

(b) The compensation to be paid under subsection (a) shall be determined in the manner prescribed in section 501 of title 37 of the United States Code for payments for accrued leave authorized by that section.

SEC. 2. No part of the amount appropriated in the first section of this Act shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with this claim, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this section shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding $1,000.

Approved July 7, 1975.

Private Law 94–5
94th Congress

An Act

For the relief of Raymond Monroe.

July 7, 1975
[H.R. 3382]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, on such terms as it deems just, the United States Postal Service is authorized to compromise, release, or discharge in whole or in part the liability of Raymond Monroe of Overland Park, Kansas, to the United States in the amount of $5,445, representing the loss resulting from his erroneous setting of a postage meter on January 3, 1964, as a clerk for the Post Office Department.

Raymond Monroe.

Approved July 7, 1975.

Private Law 94–6
94th Congress

An Act

July 8, 1975
[H.R. 1387]

For the relief of Raul Alvarez Rodriguez.

Raul A. Rodriquez.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, in the administration of the Immigration and Nationality Act, Raul Alvarez Rodriguez may be classified as a child within the meaning of section 101(b)(1)(F) of the Act, and a petition filed in his behalf by Maria Francisca Rodriguez-Hernandez, a citizen of the United States, may be approved pursuant to section 204 of the Act and the provisions of section 245(c) of the Act shall not apply in this case: *Provided*, That the natural parents or brothers or sisters of the beneficiary shall not, by virtue of such relationship, be accorded any right, privilege, or status under the Immigration and Nationality Act.

8 USC 1101.

8 USC 1154.
8 USC 1255.

Approved July 8, 1975.

Private Law 94–7
94th Congress

An Act

For the relief of Jacinta Roque Armstrong-Perez.

July 8, 1975
[H.R. 1393]

Jacinta R. Armstrong-Perez.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, in the administration of the Immigration and Nationality Act, Jacinta Roque Armstrong-Perez may be classified as a child within the meaning of section 101(b)(1)(F) of the Act, upon approval of a petition filed in her behalf by Mr. and Mrs. Joseph J. Armstrong, a citizen of the United States and a lawfully resident alien, respectively, pursuant to section 204 of the Act: *Provided*, That the natural parents or brothers or sisters of the beneficiary shall not, by virtue of such relationship, be accorded any right, privilege, or status under the Immigration and Nationality Act.

8 USC 1101.

8 USC 1154.

Approved July 8, 1975.

Private Law 94-8
94th Congress

An Act

July 8, 1975
[H.R. 1408]

For the relief of Joseph Hoffman.

Joseph Hoffman.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, in the administration of the Immigration and Nationality Act, Joseph Hoffman may be classified as a child within the meaning of section 101(b)(1)(F) of the Act, upon approval of a petition filed in his behalf by Bernard and Rose Hoffman, citizens of the United States, pursuant to section 204 of the Act: *Provided*, That the natural parents or brothers or sisters of the beneficiary shall not, by virtue of such relationship, be accorded any right, privilege, or status under the Immigration and Nationality Act.

8 USC 1101.

8 USC 1154.

Approved July 8, 1975.

Private Law 94-9
94th Congress

An Act

For the relief of Samuel T. Ansley.

July 8, 1975
[H.R. 1410]

Samuel T. Ansley.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Treasury shall pay, out of any money in the Treasury not otherwise appropriated, to Samuel T. Ansley of Lubbock, Texas, the sum of $2,229.59. The said Samuel T. Ansley is relieved of all liability to the United States for the sum of $374.40. Such appropriation and relief of liability are in full settlement of all the claims of the said Samuel T. Ansley against the United States for moving expenses sustained as the result of the purchase of his real property in San Miguel County, New Mexico, on April 19, 1966, by the Secretary of the Interior, for which the said Samuel T. Ansley failed to obtain full reimbursement due to administrative error.

SEC. 2. No amount of the sum appropriated in the first section of this Act shall be paid to or received by any agent or attorney for services rendered in connection with this claim. Any person violating the provisions of this section shall be fined not more than $1,000.

Approved July 8, 1975.

Private Law 94–10
94th Congress

An Act

July 8, 1975
[H.R. 1421]

For the relief of Stephanie Kahn and Barbara Heyman.

Stephanie Kahn and Barbara Heyman.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) the Secretary of the Treasury shall pay, out of any money in the Treasury not otherwise appropriated, to Barbara Heyman, on behalf of Stephanie Kahn, her daughter, both of Beverly Hills, California, the sum which the Administrator of the Veterans' Administration determines is payable pursuant to law as monthly payments, from the first day of the month of the death of Mr. Martin Kahn until June 16, 1970. Such sum, which shall not exceed $1,202.38, is allegedly due to Stephanie Kahn as Veterans' Administration pension benefits because of the death of Mr. Kahn, who was the divorced husband of Barbara Heyman and the father of Stephanie Kahn. Barbara Heyman did not apply to the Administration for such benefits within one year from the date of Mr. Kahn's death, pursuant to section 3010(d) of title 38 of the United States Code, because she was not aware of his death until June 1970. The payment of such sum shall be in full satisfaction of all their claims against the United States for such payments.

(b) Not more than 10 per centum of the amount appropriated in this Act shall be transferred, directly or indirectly, to any attorney or other agent as consideration for services rendered at any stage of this claim, any contract or other agreement to the contrary notwithstanding. Any person violating the provision of this subsection shall be fined not more than $1,000.

Approved July 8, 1975.

Private Law 94–11
94th Congress

An Act

For the relief of Steve P. Reese.

July 8, 1975
[H.R. 1510]

Steve P. Reese

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, in the administration of the Immigration and Nationality Act, Steve P. Reese may be classified as a child within the meaning of section 101(b)(1)(F) of the Act, upon approval of a petition filed in his behalf by Mervin J. Reese, citizen of the United States, pursuant to section 204 of the Act and the provisions of section 245(c) shall be inapplicable in this case: *Provided*, That the natural parents or brothers or sisters of the beneficiary shall not, by virtue of such relationship, be accorded any right, privilege, or status under the Immigration and Nationality Act.

8 USC 1101.

8 USC 1154, 1255.

Approved July 8, 1975.

Private Law 94–12
94th Congress

An Act

July 8, 1975
[H.R. 1649]

For the relief of Howard D. Harden.

Howard D. Harden.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That Howard D. Harden, of Roseville, Illinois, is relieved of liability to the United States in the amount of $3,746.80 representing disability payments from September 1967 to November 1969 paid to him following a diagnosis of a malignant lymphoma, which benefits were retroactively denied him because he had advised the Social Security Administration that he was attempting to perform some of his farmwork despite his disabilities. In the audit and settlement of accounts of any certifying or disbursing officer of the United States, credit shall be given for amounts for which liability is relieved by this section.

SEC. 2. The Secretary of the Treasury is authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to the said Howard D. Harden an amount equal to the aggregate of any amounts paid by him, or withheld from sums otherwise due him, with respect to the indebtedness to the United States specified in the first section of this Act: *Provided*, That no part of the amount appropriated in this Act shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with this claim, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this Act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding $1,000.

Approved July 8, 1975.

Private Law 94–13
94th Congress

An Act

For the relief of Maria Gilda Haro.

July 8, 1975
[H.R. 2119]

Maria G. Haro.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, in the administration of the Immigration and Nationality Act, Maria Gilda Haro shall be classified as a child within the meaning of section 101(b)(1)(F) of the Act, upon approval of a petition filed in her behalf by Angelina Haro and Anastacio Haro-Cardenas, a citizen of the United States and a lawfully resident alien, respectively, pursuant to section 204 of the Act, and the provisions of section 245(c) of the Act shall be inapplicable in this case: *Provided*, That the natural parents or brothers or sisters of the beneficiary shall not, by virtue of such relationship, be accorded any right, privilege, or status under the Immigration and Nationality Act.

8 USC 1101.

8 USC 1154, 1255.

Approved July 8, 1975.

Private Law 94–14
94th Congress

An Act

July 8, 1975
[H.R. 2946]

For the relief of Mrs. Dorothy Hinck.

Dorothy Hinck.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, notwithstanding the provisions of section 3010 of title 38, United States Code, or any statute of limitations, Mrs. Dorothy Hinck, widow of John Henry Hinck (XC–3,009,409) is to be held and considered to have filed a timely application for death compensation for herself and minor children within one year of the death of the said John Henry Hinck on November 24, 1941, and is to be paid the amounts due as otherwise provided in the laws administered by the Administrator of Veterans' Affairs.

Approved July 8, 1975.

Private Law 94-15
94th Congress

An Act

For the relief of Randall L. Talbot.

July 8, 1975
[H.R. 3526]

Randall L. Talbot.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Treasury is authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to Randall L. Talbot, of Upper Marlboro, Maryland, the sum of $564.80 in reimbursement for the costs incurred by him in connection with the purchase of a new home incident to a change of official stations required by his employment with the United States Department of Labor.

No part of the amount appropriated in this Act shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with this claim, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this Act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding $1,000.

Approved July 8, 1975.

Private Law 94–16
94th Congress

Joint Resolution

July 21, 1975
[S.J. Res. 100]

To authorize the Secretary of the Senate to pay compensation to Phan Thi Yen.

Phan Thi Yen.

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That notwithstanding any other provision of law, the citizenship or nationality of Phan Thi Yen shall not prohibit the Secretary of the Senate from paying compensation, for a period not to exceed twelve months, to the said Phan Thi Yen while serving as an employee of the Senate.

Approved July 21, 1975.

Private Law 94–17
94th Congress

An Act

For the relief of Victor Henrique Carlos Gibson.

Aug. 9, 1975
[H.R. 1553]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, notwithstanding the provision of section 212(a)(22) of the Immigration and Nationality Act, Victor Henrique Carlos Gibson may be issued a visa and be admitted to the United States for permanent residence if he is found to be otherwise admissible under the provisions of that Act and the provisions of section 245(c) of the Act shall be inapplicable in this case: *Provided*, That this exemption shall apply only to a ground for exclusion of which the Department of State or the Department of Justice has knowledge prior to the enactment of this Act: *Provided further*, That nothing in this Act shall be construed to waive the provisions of section 315 of the Immigration and Nationality Act.

Victor H. C. Gibson.
8 USC 1182.
8 USC 1255.
8 USC 1426.

Approved August 9, 1975.

Private Law 94-18
94th Congress

An Act

Oct. 3, 1975
[H.R. 1401]

For the relief of Robert M. Johnston.

Robert M. Johnston.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That service performed by Robert M. Johnston, of Annapolis, Maryland, from July 1, 1946, through September 30, 1956, as a member of the civilian faculty of the United States Naval Academy, shall be included as creditable service for purposes of subchapter III of chapter 83 of title 5, United States Code (relating to civil service retirement annuities), if, within one year after the date of enactment of this Act, Robert M. Johnston deposits a sum equal to so much of the repurchase price of his annuity policy carried as required by the Act of January 16, 1936 (49 Stat. 1092), as amended, as is based on the monthly allotments which were registered with the Navy Allotment Office toward the purchase of that annuity. Such deposit shall be in lieu of the deposit provided under section 8334(c) of such title 5.

5 USC 8331.

SEC. 2. The Secretary of the Navy shall certify to the Civil Service Commission the amount of the repurchase price of the annuity referred to in the first section of this Act. The Civil Service Commission shall provide Robert M. Johnston such information as may be necessary to carry out the purposes of this Act.

Approved October 3, 1975.

Private Law 94–19
94th Congress

An Act

For the relief of Plotemia Mabanag Bareng and Bastiana Lilian Mabanag Bareng.

Oct. 8, 1975
[H.R. 1757]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, in the administration of the Immigration and Nationality Act, Plotemia Mabanag Bareng and Bastiana Lilian Mabanag Bareng may be classified as children within the meaning of section 101(b)(1)(F) of the Act, and petitions filed in their behalf by Louis P. Bareng, a citizen of the United States, may be approved pursuant to section 204 of the Act: *Provided*, That the natural mother, or brothers or sisters of the beneficiaries shall not, by virtue of such relationship, be accorded any right, privilege, or status under the Immigration and Nationality Act.

Plotemia M. and Bastiana L. M. Bareng.
8 USC 1101.

8 USC 1154.

Approved October 8, 1975.

Private Law 94–20
94th Congress

An Act

Dec. 16, 1975
[S. 233]

For the relief of North Central Educational Television, Incorporated.

North Central Educational Television, Inc.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Treasury is authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to North Central Educational Television, Incorporated, the sum of $23,288.92, in full settlement of all its claims against the United States for reimbursement of additional expenses incurred as the result of administrative error by personnel of the Federal Communications Commission in connection with that corporation's application for a television station.

SEC. 2. No part of the amount appropriated in this Act shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with this claim, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this Act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding $1,000.

Approved December 16, 1975.

Private Law 94-21
94th Congress

An Act

For the relief of Dino Mendoza Pascua.

Dec. 20, 1975
[S. 55]

Dino M. Pascua.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, in the administration of the Immigration and Nationality Act, Dino Mendoza Pascua may be classified as a child within the meaning of section 101(b)(1)(F) of such Act upon approval of a petition filed in his behalf by Staff Sergeant and Mrs. Anthony M. Garcia, citizens of the United States, pursuant to section 204 of such Act. The natural parents and brothers and sisters of the said Dino Mendoza Pascua shall not, by virtue of such relationship, be accorded any right, privilege, or status under the Immigration and Nationality Act.

8 USC 1101.

8 USC 1154.

Approved December 20, 1975.

Private Law 94-22
94th Congress

An Act

Dec. 20, 1975
[S. 605]

For the relief of Heung Soon Kim.

Heung Soon Kim.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, in the administration of the Immigration and Nationality Act, Heung Soon Kim shall be classified as a child within the meaning of section 101(b)(1)(F) of such Act, upon approval of a petition filed in her behalf by Mr. and Mrs. James Lyos, citizens of the United States, pursuant to section 204 of such Act, except that section 204(c) of such Act, relating to the number of petitions which may be approved on behalf of children, shall not apply. The natural parents and brothers or sisters of Heung Soon Kim shall not, thereafter, by virtue of such relationship, be accorded any right, privilege, or status under the Immigration and Nationality Act.

8 USC 1101.

8 USC 1154.

Approved December 20, 1975.

Private Law 94-23
94th Congress

An Act

For the relief of Sun Yang Kim and Sun Mi Kim.

Dec. 20, 1975
[S. 1653]

Sun Yang Kim and Sun Mi Kim.
8 USC 1154.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 204(c) of the Immigration and Nationality Act limiting the number of petitions which may be approved for children shall be inapplicable to a petition filed by Mr. and Mrs. Sanders D. Newman, United States citizens, to classify Sun Yang Kim and Sun Mi Kim as children within the meaning of section 101(b)(1)(F) of that Act. The natural parents and brothers and sisters of the beneficiaries shall not, by virtue of such relationship, be accorded any right, privilege, or status under the Immigration and Nationality Act.

8 USC 1101.

Approved December 20, 1975.

Private Law 94-24
94th Congress

An Act

Dec. 23, 1975
[S. 447]

For the relief of Jesus Cortez Pineda.

Jesus C. Pineda.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, in the administration of the Immigration and Nationality Act, Jesus Cortez Pineda may be classified as a child within the meaning of section 101(b)(1)(F) of such Act upon approval of a petition filed in his behalf by Mr. and Mrs. David Pineda, a citizen of the United States and a lawfully resident alien, respectively, pursuant to section 204 of the said Act: *Provided*, That the natural parents or brothers or sisters of the said Jesus Cortez Pineda shall not, by virtue of such relationship, be accorded any right, privilege, or status under the Immigration and Nationality Act.

8 USC 1101.

8 USC 1154.

Approved December 23, 1975.

Private Law 94-25
94th Congress

An Act

For the relief of Mrika Mrnacaj.

Dec. 23, 1975
[H.R. 10555]

Mrika Mrnacaj.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That Mrika Mrnacaj shall be held and considered to have satisfied the requirements of sections 312 and 316 of the Immigration and Nationality Act relating to requirements as to understanding the English language, history, principles, and form of government of the United States and requirements as to periods of residence and physical presence within the United States and, notwithstanding the provisions of section 310(d) of that Act, she may be naturalized at any time after the date of the enactment of this Act if she is otherwise eligible for naturalization under the Immigration and Nationality Act.

8 USC 1423, 1427.

8 USC 1421.

Approved December 23, 1975.

Private Law 94-26
94th Congress

An Act

Dec. 23, 1975
[H.R. 2110]

For the relief of Joyce Ann Farrior and Sarah E. Farrior.

Joyce A. and Sarah E. Farrior.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, for the purpose of determining entitlement to child's insurance benefits under section 202(d) and to mother's benefits for Sarah E. Farrior under section 202(g) of the Social Security Act, as amended, on the basis of wages and self-employed income of Maiden E. Farrior (social security account numbered [redacted]), Joyce Ann Farrior of Burgaw, North Carolina, shall be held and considered to have been adopted by said Sarah E. Farrior within two years of the death of the said Maiden E. Farrior within the meaning of section 216(e) of that Act. The entitlement to benefits authorized by this Act shall be effective as of May 26, 1967, the date of death of the said Maiden E. Farrior.

42 USC 402.

42 USC 416.

Approved December 23, 1975.

Private Law 94–27
94th Congress

An Act

For the relief of Jana Hlavaty.

Dec. 23, 1975
[H.R. 10792]

Jana Hlavaty.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, for the purposes of the Immigration and Nationality Act, Jana Hlavaty shall be held and considered to have been lawfully admitted to the United States for permanent residence on August 26, 1969.

Approved December 31, 1975.

CONCURRENT RESOLUTIONS

FIRST SESSION, NINETY-FOURTH CONGRESS

CONCURRENT RESOLUTIONS

FIRST SESSION, NINETY-FOURTH CONGRESS

January 14, 1975
[H. Con. Res. 1]

JOINT MEETING

Communications from President.

Resolved by the House of Representatives (the Senate concurring), That the two Houses of Congress assemble in the Hall of the House of Representatives on January 15, 1975, at one o'clock p.m., for the purpose of receiving such communication as the President of the United States shall be pleased to make to them.

Passed January 14, 1975.

"AGREEMENT FOR COOPERATION BETWEEN THE GOVERNMENT OF THE UNITED STATES OF AMERICA AND THE GOVERNMENT OF ISRAEL CONCERNING CIVIL USES OF ATOMIC ENERGY" – AMENDMENT

March 11, 1975
[S. Con. Res. 15]

Resolved by the Senate (the House of Representatives concurring), That the Congress hereby expresses its approval of the proposed amendment to the 1955 "Agreement for Cooperation Between the Government of the United States of America and the Government of Israel Concerning Civil Uses of Atomic Energy" submitted in the January 14, 1975, letters from the United States Atomic Energy Commission to the Speaker of the House and the President of the Senate.

Agreed to March 11, 1975.

March 24, 1975
[H. Con. Res. 133]

BOARD OF GOVERNORS OF THE FEDERAL RESERVE SYSTEM AND THE FEDERAL OPEN MARKET COMMITTEE--HEARINGS

USC prec. title 1.

Whereas article I, section 8, of the Constitution provides that Congress shall have the money power, namely "to coin money and regulate the value thereof";

Whereas Congress established the Federal Reserve Board as its agent, and delegated to its agent the day-to-day responsibility for managing the money supply;

Whereas the United States economy is now suffering from excessively high unemployment and a decline in production and the gross national product, together with inflation; and

Whereas the economy's performance in part is affected by changes in the rate of growth of the monetary and credit aggregates: Now, therefore, be it

Resolved by the House of Representatives (the Senate concurring), That it is the sense of Congress that the Board of Governors of the Federal Reserve System and the Federal Open Market Committee—

(1) pursue policies in the first half of 1975 so as to encourage lower long term interest rates and expansion in the monetary and credit aggregates appropriate to facilitating prompt economic recovery; and

(2) maintain long run growth of the monetary and credit aggregates commensurate with the economy's long run potential to increase production, so as to promote effectively the goals of maximum employment, stable prices, and moderate long term interest rates.

Pursuant to this resolution, and taking into account the international flows of funds and conditions in the international money and credit markets, the Board of Governors shall consult with Congress at semiannual hearings before the Committee on Banking, Housing and Urban Affairs of the Senate and the Committee on Banking, Currency and Housing of the House of Representatives about the Board of Governors' and the Federal Open Market Committee's objectives and plans with respect to the ranges of growth or diminution of monetary and credit aggregates in the upcoming twelve months. Nothing in this resolution shall be interpreted to require that such ranges of growth or diminution be achieved if the Board of Governors and the Federal Open Market Committee determine that they cannot or should not be achieved because of changing conditions. The Board of Governors shall report to the Congress the reasons for any such determination during the next hearings held pursuant to this resolution.

Report to Congress.

Passed March 24, 1975.

March 26, 1975
[S. Con. Res. 27]

ADJOURNMENT—HOUSE OF REPRESENTATIVES AND SENATE

Resolved by the Senate (the House of Representatives concurring), That when the two Houses adjourn on Wednesday, March 26, 1975, they stand adjourned until 12 o'clock noon on Monday, April 7, 1975, or until 12 o'clock noon on the second day after their respective Members are notified to reassemble in accordance with section 2 of this resolution, whichever event first occurs.

SEC. 2. The Speaker of the House of Representatives and the President pro tempore of the Senate shall notify the Members of the House and the Senate, respectively, to reassemble whenever in their opinion the public interest shall warrant it or whenever the majority leader of the House and the majority leader of the Senate, acting jointly, or the minority leader of the House and the minority leader of the Senate, acting jointly, file a written request with the Clerk of the House and the Secretary of the Senate that the Congress reassemble for the consideration of legislation.

SEC. 3. During the adjournment of both Houses of Congress as provided in section 1, the Secretary of the Senate and the Clerk of the House, respectively, be, and they hereby are, authorized to receive messages, including veto messages, from the President of the United States.

Agreed to March 26, 1975.

April 9, 1975
[H. Con. Res. 203]

JOINT MEETING

Communications from President.

Resolved by the House of Representatives (the Senate concurring), That the two Houses of Congress assemble in the Hall of the House of Representatives on Thursday, April 10, 1975, at 9 p.m., for the purpose of receiving such communications as the President of the United States shall be pleased to make to them.

Passed April 9, 1975.

April 14, 1975
[H. Con. Res. 27]

"COMPILATION OF THE HOUSING AND COMMUNITY DEVELOPMENT ACT OF 1974"

Printing of copies.

Resolved by the House of Representatives (the Senate concurring), That there shall be reprinted for the use of the Committee on Banking and Currency two thousand copies of committee print entitled "Compilation of the Housing and Community Development Act of 1974".

Passed April 14, 1975.

April 14, 1975
[H. Con. Res. 145]

"A COMPILATION OF FEDERAL EDUCATION LAWS"

Printing of additional copies.

Resolved by the House of Representatives (the Senate concurring), That there is authorized to be printed seven thousand five hundred additional copies of a joint committee print of the Committee on Education and Labor of the House of Representatives and the Committee on Labor and Public Welfare of the Senate entitled "A Compilation of Federal Education Laws", of which five thousand copies shall be for the use of the Committee on Education and Labor and two thousand five hundred such copies shall be for the use of the Committee on Labor and Public Welfare of the Senate.

Passed April 14, 1975.

May 7, 1975
[S. Con. Res. 16]

"INCOME SECURITY FOR AMERICANS: RECOMMENDATIONS OF THE PUBLIC WELFARE STUDY"

Printing of additional copies.

Resolved by the Senate (the House of Representatives concurring), That there be printed for the use of the Joint Economic Committee three thousand additional copies of its joint committee print of the Ninety-third Congress, second session, entitled "Income Security for Americans: Recommendations of the Public Welfare Study".

Agreed to May 7, 1975.

May 7, 1975
[S. Con. Res. 17]

"FEDERAL SUBSIDY PROGRAMS"

Printing of additional copies.

Resolved by the Senate (the House of Representatives concurring), That there be printed for the use of the Joint Economic Committee three thousand additional copies of its joint committee print of the Ninety-third Congress, second session, entitled "Federal Subsidy Programs".

Agreed to May 7, 1975.

May 7, 1975
[S. Con. Res. 23]

"THE CONGRESSIONAL PROGRAM OF ECONOMIC RECOVERY AND ENERGY SUFFICIENCY"

Printing of additional copies.

Resolved by the Senate (the House of Representatives concurring), That there shall be printed twenty thousand additional copies of the publication entitled "The Congressional Program of Economic Recovery and Energy Sufficiency", of which ten thousand copies shall be for the use of the Members of the Senate and ten thousand copies shall be for the use of the Members of the House of Representatives.

Agreed to May 7, 1975.

May 7, 1975
[S. Con. Res. 31]

PRAYERS OFFERED BY REVEREND EDWARD L. R. ELSON

Printing as Senate document; additional copies.

Resolved by the Senate (the House of Representatives concurring), That there be printed with an illustration as a Senate document, the prayers by the Reverend Edward L. R. Elson, S.T.D., the Chaplain of the Senate, at the opening of the daily sessions of the Senate during the Ninety-third Congress, together with any other prayers offered by him during that period in his official capacity as Chaplain of the Senate; and that there be printed two thousand additional copies of such document, of which one thousand and thirty would be for the use of the Senate and nine hundred and seventy would be for the use of the Joint Committee on Printing.

SEC. 2. The copy for the document authorized in section 1 shall be prepared under the direction of the Joint Committee on Printing.

Agreed to May 7, 1975.

"OUR AMERICAN GOVERNMENT. WHAT IS IT? HOW DOES IT FUNCTION?"

May 14, 1975
[H. Con. Res. 44]

Resolved by the House of Representatives (the Senate concurring), That there shall be printed, as a House document, a revised edition of the House document "Our American Government. What Is It? How Does It Function?"; and that five hundred and sixty-six thousand additional copies be printed, of which four hundred and forty-two thousand shall be for the use of the House of Representatives and one hundred and three thousand shall be for the use of the Senate, and one thousand shall be for the use of the House Committee on Rules and twenty thousand shall be for the use of the Joint Committee on Printing.

Printing as House document; additional copies.

Passed May 14, 1975.

SELECT COMMITTEE ON COMMITTEES—HEARINGS

May 14, 1975
[H. Con. Res. 117]

Resolved by the House of Representatives (the Senate concurring), That there be printed as a House document the three volumes of hearings and panels on the subject of committee organization in the House which were held by the Select Committee on Committees under the authority of H. Res. 132, Ninety-third Congress, together with an index thereto and with such corrections as may be necessary; and that fifteen hundred copies be printed for use of the Committee on Rules.

Printing as House document.

Passed May 14, 1975.

"THE HISTORY AND OPERATION OF THE HOUSE MAJORITY WHIP ORGANIZATION (94TH CONGRESS)"

May 14, 1975
[H. Con. Res. 146]

Resolved by the House of Representatives (the Senate concurring), That there shall be printed as a House document with photographs a revised edition of the booklet entitled "The History and Operation of the House Majority Whip Organization (94th Congress)"; and that ten thousand additional copies shall be printed for the use of the House majority whip.

Printing as House document; additional copies.

Passed May 14, 1975.

CONGRESSIONAL BUDGET DETERMINATION

May 14, 1975
[H. Con. Res. 218]

Resolved by the House of Representatives (the Senate concurring), That the Congress hereby determines, pursuant to section 301(a) of the Congressional Budget Act of 1974, that for the fiscal year beginning on July 1, 1975—

31 USC 1322.

(1) the appropriate level of total budget outlays is $367,000,000,000;

(2) the appropriate level of total new budget authority is $395,800,000,000;

(3) the amount of the deficit in the budget which is appropriate in the light of economic conditions and all other relevant factors is $68,820,000,000;

(4) the recommended level of Federal revenues is $298,180,000,000, and the amount by which the aggregate level of Federal revenues should be decreased is $3,400,000,000; and

(5) the appropriate level of the public debt is $617,600,000,000, and the amount by which the temporary statutory limit on such debt should accordingly be increased is $86,600,000,000.

Passed May 14, 1975.

May 22, 1975
[S. Con. Res. 42]

ADJOURNMENT—HOUSE OF REPRESENTATIVES AND SENATE

Resolved by the Senate (the House of Representatives concurring), That when the two Houses adjourn on Thursday, May 22, 1975, they stand adjourned until 12 o'clock noon on Monday, June 2, 1975, or until 12 o'clock noon on the second day after their respective Members are notified to reassemble in accordance with section 2 of this resolution, whichever event first occurs.

SEC. 2. The Speaker of the House of Representatives and the President pro tempore of the Senate shall notify the Members of the House and the Senate, respectively, to reassemble whenever in their opinion the public interest shall warrant it or whenever the majority leader of the House and the majority leader of the Senate, acting jointly, or the minority leader of the House and the minority leader of the Senate, acting jointly, file a written request with the Clerk of the House and the Secretary of the Senate that the Congress reassemble for the consideration of legislation.

SEC. 3. During the adjournment of both Houses of Congress as provided in section 1, the Secretary of the Senate and the Clerk of the House, respectively, be, and they hereby are, authorized to receive messages, including veto messages, from the President of the United States.

Agreed to May 22, 1975.

June 6, 1975
[H. Con. Res. 177]

"HISTORY OF THE UNITED STATES HOUSE OF REPRESENTATIVES"

Printing as House document.

Resolved by the House of Representatives (the Senate concurring), That there shall be printed as a House document a revised edition of the publication entitled "History of the United States House of Representatives". The document shall be prepared under the supervision of the Joint Committee on Printing and shall be bound in such style as the Joint Committee on Printing shall direct.

Additional copies.

SEC. 2. There shall be printed forty-five thousand additional copies of such House document for the use of the House of Representatives to be prorated for a period of sixty days, after which the unused balance shall revert to the Joint Committee on Printing.

Passed June 6, 1975.

June 6, 1975
[H. Con. Res. 178]

"AMNESTY"

Resolved by the House of Representatives (the Senate concurring), That there shall be printed for use of the House Committee on the Judiciary one thousand five hundred copies of the committee hearing, "Amnesty", Ninety-third Congress.

Printing of copies.

Passed June 6, 1975.

WORLD FOOD CONFERENCE OF 1976—CONGRESSIONAL ENDORSEMENT

June 17, 1975
[S. Con. Res. 19]

Whereas the means of producing, processing and distributing food in nutritionally adequate quantities to feed an increasing world population is an awesome problem confronting the world today; and

Whereas the land grant colleges of the United States have made notable contributions to increased agricultural efficiency and improved quality of food and feed crops, particularly through developments in soybean and maize crops, animal breeding and feeding efficiency, farm machinery, and the dissemination of information to farmers and consumers; and

Whereas the Iowa State University of Science and Technology, one of the Nation's foremost land grant colleges, will host the World Food Conference of 1976 in Ames, Iowa, from June 27 through July 1, 1976; and

Whereas the subject of the World Food Conference of 1976 will be "The Role of the Professional in Feeding Mankind"; and

Whereas such conference will bring together scientists and scholars from many disciplines and many countries for the purpose of sharing and increasing agricultural and nutritional knowledge among the world's scientists and teachers, and for the purpose of accelerating the development of methods of food production, processing, and distribution that will result in improved capabilities for meeting the food and nutritional needs of all the people of the world; and

Whereas the American Revolution Bicentennial Administration has endorsed the World Food Conference of 1976 as a bicentennial project of national and international significance: Now, therefore, be it

Resolved by the Senate (the House of Representatives concurring), That the Congress of the United States endorses the World Food Conference of 1976 to be held in Ames, Iowa, from June 27 through July 1, 1976, and commends the Iowa State University of Science and Technology for a humanitarian undertaking of international significance.

Agreed to June 17, 1975.

"FEDERAL ELECTION CAMPAIGN LAWS RELATING TO THE UNITED STATES HOUSE OF REPRESENTATIVES"

June 18, 1975
[H. Con. Res. 269]

Resolved by the House of Representatives (the Senate concurring), That there shall be printed as a House document, "Federal Election Campaign Laws Relating to the United States House of Representatives", and that seven thousand five hundred copies be printed, of

Printing as House document.

which two thousand shall be for the use of the Committee on House Administration of the House and the remaining five thousand five hundred for distribution to candidates for the House of Representatives and for political committees supporting them.

Passed June 18, 1975.

June 26, 1975
[S. Con. Res. 26]

"CHINA: A QUARTER CENTURY AFTER THE FOUNDING OF THE PEOPLE'S REPUBLIC"

Printing of copies.

Resolved by the Senate (*the House of Representatives concurring*), That there be printed for the use of the Committee on Foreign Relations five thousand copies of the committee print entitled "China: A Quarter Century After the Founding of the People's Republic."

Agreed to June 26, 1975.

June 26, 1975
[S. Con. Res. 36]

PROPOSED CONSTITUTIONAL AMENDMENTS TO LIMIT ABORTION—HEARINGS

Printing of additional copies.

Resolved by the Senate (*the House of Representatives concurring*), That there be printed for the use of the Senate Committee on the Judiciary not to exceed two thousand additional copies of each part of its hearings during the second session of the Ninety-third Congress and the first session of the Ninety-fourth Congress on proposed constitutional amendments to limit abortion.

Agreed to June 26, 1975.

June 26, 1975
[H. Con. Res. 324]

ADJOURNMENT—HOUSE OF REPRESENTATIVES AND SENATE

Resolved by the House of Representatives (*the Senate concurring*), That when the House adjourns on Thursday, June 26, 1975, it stand adjourned until 12 o'clock noon on Tuesday, July 8, 1975, and that when the Senate adjourns on Friday, June 27, 1975, it stand adjourned until 11:00 o'clock a.m. on Monday, July 7, 1975, or in the case of both Houses, until 12 o'clock noon on the second day after its Members are notified to reassemble in accordance with section 2 of this resolution, whichever event first occurs.

SEC. 2. The Speaker of the House of Representatives and the President pro tempore of the Senate shall notify the Members of the House and the Senate, respectively, to reassemble whenever in their opinion the public interest shall warrant it or whenever the majority leader of the House and the majority leader of the Senate, acting jointly, or the minority leader of the House and the minority leader of the Senate, acting jointly, file a written request with the Clerk of the House and the Secretary of the Senate that the Congress reassemble for the consideration of legislation.

SEC. 3. During the adjournment of both Houses of Congress as provided in section 1, the Secretary of the Senate and the Clerk of the

House, respectively, be, and they hereby are, authorized to receive messages, including veto messages, from the President of the United States.

Passed June 26, 1975.

JAMES M. POWELL, CHIEF OF THE U.S. CAPITOL POLICE—AUTHORIZATION TO ANSWER INTERROGATORIES

July 17, 1975
[H. Con. Res. 342]

Whereas in the case of Jeffery Simon against James M. Powell, et al. (civil action no. 75–0973) pending in the United States District Court for the District of Columbia, a series of interrogatories was issued by the said Court and served upon James M. Powell, Chief of the U.S. Capitol Police, requesting him to answer such interrogatories in writing, under oath, and to serve the answers on counsel for plaintiff in such proceeding; and

Whereas information secured by officers and employees of the Congress of the United States pursuant to their official duties as such officers and employees may not be compelled by the mandate of process of the ordinary courts of justice but by the permission of the Congress: Therefore, be it

Resolved by the House of Representatives (the Senate concurring), That James M. Powell, Chief of the U.S. Capitol Police, is authorized to answer the interrogatories before-mentioned; and be it further

Resolved, That a copy of this resolution be submitted to the said Court.

Passed July 17, 1975.

July 23, 1975
[H. Con. Res. 349]

CORRECTION OF ENROLLED BILL H. R. 5522

Resolved by the House of Representatives (the Senate concurring), That the Clerk of the House Representatives, in the enrollment of the bill (H.R. 5522) to give effect to the International Convention for the Conservation of Atlantic Tunas, signed at Rio de Janeiro May 14, 1966, by the United States of America and other countries, and for other purposes, is authorized and directed to make the following corrections in the House engrossed bill:

Ante, p. 385.

(1) On page 4, line 24, insert a comma after "Commission".

(2) On page 7, line 1, strike out "becomming" and insert in lieu thereof "becoming".

(3) On page 9, line 3, strike out "of" the second time it appears.

(4) On page 9, lines 5 and 6, strike out "and of the Commonwealth of Puerto Rico".

(5) On page 11, line 6, strike out "of" the first time it appears.

(6) On page 13, line 14, strike out the comma after "form".

Passed July 23, 1975.

July 25, 1975
[S. Con. Res. 55]

CORRECTION OF ENROLLED BILL S. 555

Resolved by the Senate (the House of Representatives concurring), That in the enrollment of the bill (S. 555) to amend the Consolidated Farm and Rural Development Act, the Secretary of the Senate is hereby authorized and directed, in the enrollment of the said bill, to make the following correction, namely: Insert after the enacting clause the following: "That the Consolidated Farm and Rural Development Act (the Act) is amended as follows:".

Ante, p. 381.

Agreed to July 25, 1975.

July 25, 1975
[H. Con. Res. 143]

"NOMINATION OF NELSON A. ROCKEFELLER TO BE VICE PRESIDENT OF THE UNITED STATES"

Printing of copies.

Resolved by the House of Representatives (the Senate concurring), That there shall be printed with such corrections as may be necessary for use of the House Committee on the Judiciary one thousand eight hundred copies of the committee hearing "Nomination of Nelson A. Rockefeller to be Vice President of the United States", Ninety-third Congress.

Passed July 25, 1975.

July 28, 1975
[S. Con. Res. 35]

NONDISCRIMINATORY TREATMENT OF PRODUCTS OF SOCIALIST REPUBLIC OF ROMANIA—EXTENSION

Resolved by the Senate (the House of Representatives concurring), That the Congress approves the extension of nondiscriminatory treatment with respect to the products of the Socialist Republic of Romania transmitted by the President to the Congress on April 25, 1975.

Agreed to July 28, 1975.

July 28, 1975
[S. Con. Res. 54]

ADJOURNMENT—HOUSE OF REPRESENTATIVES AND SENATE

Resolved by the Senate (the House of Representatives concurring), That when the two Houses adjourn on Friday, August 1, 1975, they stand adjourned until 12 o'clock noon on Wednesday, September 3, 1975, or until 12 o'clock noon on the second day after their respective Members are notified to reassemble in accordance with section 2 of this resolution, whichever event first occurs.

SEC. 2. The Speaker of the House of Representatives and the President pro tempore of the Senate shall notify the Members of the House and the Senate, respectively, to reassemble whenever in their opinion the public interest shall warrant it or whenever the majority leader of the House and the majority leader of the Senate, acting jointly, or the minority leader of the House and the minority leader of the Senate, acting jointly, file a written request with the Clerk of the House and the Secretary of the Senate that the Congress reassemble for the consideration of legislation.

SEC. 3. During the adjournment of both Houses of Congress as provided in section 1, the Secretary of the Senate and the Clerk of the House, respectively, be, and they hereby are, authorized to receive messages, including veto messages, from the President of the United States.

Agreed to July 28, 1975.

SELECT COMMITTEE TO STUDY GOVERNMENTAL OPERATIONS WITH RESPECT TO INTELLIGENCE ACTIVITIES

July 31, 1975
[S. Con. Res. 57]

Resolved by the Senate (the House of Representatives concurring), That there shall be printed ten thousand additional copies of the report of the Select Committee To Study Governmental Operations With Respect to Intelligence Activities which will be submitted under Senate Resolution 21, Ninety-fourth Congress, during the adjournment of the Congress pursuant to Senate Concurrent Resolution 54, Ninety-fourth Congress. Such additional copies shall be for the use of the select committee.

Printing of additional copies.

Ante, p. 1202.

Agreed to July 31, 1975.

JOINT COMMITTEE ON ARRANGEMENTS FOR THE COMMEMORATION OF THE BICENTENNIAL OF THE UNITED STATES OF AMERICA—ESTABLISHMENT

September 5, 1975
[S. Con. Res. 44]

Whereas the Congress has represented the people of the United States since the First Continental Congress met in Carpenter's Hall in Philadelphia from September 5 to October 26, 1774; and

Whereas the actions of the First Continental Congress united the Thirteen Colonies in seeking redress of the grievances against the Parliament and the King of England which led to the Declaration of Independence and guided the new Nation through the American War for Independence; and

Whereas the Congress has continually since the First Continental Congress represented the sovereign rights of the people in exercising their responsibility of self-government; and

Whereas the proper and appropriate commemoration of the Nation's bicentennial should include recognition of the historic role of the Congress and its participation in the commemoration: Now, therefore, be it

Resolved by the Senate (the House of Representatives concurring), That the Congress should play a significant and substantive role in honoring the Nation's two hundredth anniversary and in assisting the American Revolution Bicentennial Administration.

Establishment.

SEC. 2. (a) There is hereby established a joint congressional committee to be known as the Joint Committee on Arrangements for the Commemoration of the Bicentennial of the United States of America (hereinafter referred to as the "joint committee").

Membership.

(b) The joint committee shall be composed of twelve members as follows:

(i) the majority and minority leaders of the House of Representatives and of the Senate;

(ii) the Members of Congress who are members of the American Revolution Bicentennial Board;

(iii) two Members of the House of Representatives appointed by the Speaker of the House of Representatives. Members appointed under this paragraph shall not be of the same political party; and

(iv) two Members of the Senate appointed by the President of the Senate. Members appointed under this paragraph shall not be of the same political party.

Chairman.

(c) The joint committee shall select a chairman from among its members. Five members of the joint committee shall constitute a quorum. Any vacancy in the membership of the joint committee shall not affect its authority and shall be filled in the same manner in which the original appointment was made.

(d) For purposes of paragraph 6 of rule XXV of the Standing Rules of the Senate, service of a Senator as a member of the joint committee, or as chairman of the joint committee, shall not be taken into account.

SEC. 3. The joint committee shall—

(1) coordinate the planning and implementation of Bicentennial activities and events of the Congress with the activities and events of other governmental and nongovernmental groups;

(2) consult with the Speaker of the House of Representatives and the President of the Senate to provide for representation of the Congress at appropriate Bicentennial ceremonies and events; and

(3) develop and implement programs to inform and emphasize to the Nation the role of the Congress, as the representative of the people, from its historic beginnings in prerevolution days through two hundred years of growth, challenge, and change.

SEC. 4. The joint committee may— Functions.

(1) appoint such staff as may be necessary;

(2) adopt rules respecting its organization and procedures;

(3) sit and act at such times or places as it shall deem appropriate;

(4) procure the temporary or intermittent services of individual consultants, or organizations thereof, in the same manner and under the same conditions as a standing committee of the Senate may procure such services under subsection (i) of section 202 of the Legislative Reorganization Act of 1946; 2 USC 72a.

(5) hold hearings;

(6) procure printing and binding; and

(7) with the prior consent of the agency concerned, use on a reimbursable basis the services of personnel, information, and facilities of any such agency.

SEC. 5. The expenses of the joint committee shall be paid from the contingent fund of the Senate upon vouchers approved by the chairman of the joint committee. Expenses.

Agreed to September 5, 1975.

September 23, 1975
[H. Con. Res. 400]

CORRECTION OF ENROLLED BILL H. R. 4005

Resolved by the House of Representatives (the Senate concurring), That the Clerk of the House of Representatives, in the enrollment of the bill (H.R 4005) to amend the Developmental Disabilities Services and Facilities Construction Act to revise and extend the programs authorized by that Act, shall make the following corrections: *Ante*, p. 486.

(1) In the proposed section 123(a) of the Developmental Disabilities Services and Facilities Construction Act, strike out "$25,000,000" and insert in lieu thereof "$21,000,000".

(2) In the proposed section 102(10) of the Developmental Disabilities Services and Facilities Construction Act, strike out "in an integral" and insert in lieu thereof "is an integral".

(3) In section 303 of the bill, strike out "final" and insert in lieu thereof "fiscal".

Passed September 23, 1975.

September 29, 1975
[H. Con. Res. 402]

WELCOME FOR THE EMPEROR AND EMPRESS OF JAPAN

Whereas Their Majesties, the Emperor and Empress of Japan will soon be visiting the United States of America, and

Whereas their visit will be the first state visit to the United States of America by a reigning Emperor of Japan in the more than one-hundred-and-twenty-year history of American-Japanese relations, and

Whereas our two countries, though coming from diverse cultural backgrounds, have created from this diversity an active and dynamic relationship beneficial to both peoples, and

Whereas the exchange of ideas, cultural and artistic innovation, technological and scientific knowledge, productive enterprise, and trade have through the years enhanced mutual understanding and respect between the United States of America and Japan, and

Whereas during the first visit to Japan by an incumbent American President in November of 1974, Their Majesties and the Japanese Government and people extended a warm and enthusiastic reception to President Gerald R. Ford, and

Whereas the coming visit by Their Majesties will vividly symbolize the ties of friendship and common values to which the American and Japanese people are dedicated: Therefore, be it

Resolved by the House of Representatives (the Senate concurring), That the Congress hereby extends to Their Majesties, the Emperor and Empress of Japan, a warm welcome and sincere good wishes from the American people on the occasion of their historic first visit to the United States of America.

Passed September 29, 1975.

September 29, 1975
[H. Con. Res. 405]

CORRECTION OF ENROLLED BILL S. 1247

Resolved by the House of Representatives (the Senate concurring), That the Secretary of the Senate is authorized and directed, in the enrollment of the bill (S. 1247) to authorize certain construction at military installations, and for other purposes, to make the following technical corrections:

Ante, p. 546.

In section 103, strike out "Section 108 (a),".

In section 207(b), strike out "section 502" and insert in lieu thereof "section 602".

In section 307(c), strike out "$258,874,000" and insert in lieu thereof "$285,874,000".

Passed September 29, 1975.

October 9, 1975
[H. Con. Res. 424]

ADJOURNMENT—HOUSE OF REPRESENTATIVES AND SENATE

Resolved by the House of Representatives (the Senate concurring), That when the House adjourns on Thursday, October 9, 1975, and when the Senate first adjourns after the final disposition of H. J. Res. 683, they stand adjourned until 12 o'clock meridian, Monday, October 20, 1975, or until 12 o'clock meridian on the second day after their respective Members are notified to reassemble in accordance with section 2 of this resolution, whichever event first occurs.

Ante, p. 572.

SEC. 2. The Speaker of the House of Representatives and the President pro tempore of the Senate shall notify the Members of the House and the Senate, respectively, to reassemble whenever in their opinion the public interest shall warrant it or whenever the majority

leader of the House and the majority leader of the Senate, acting jointly, or the minority leader of the House and the minority leader of the Senate, acting jointly, file a written request with the Clerk of the House and the Secretary of the Senate that the Congress reassemble for the consideration of legislation.

SEC. 3. During the adjournment of both Houses of Congress as provided in section 1, the Clerk of the House and the Secretary of the Senate, respectively, be, and they hereby are, authorized to receive messages, including veto messages, from the President of the United States.

Passed October 9, 1975.

October 23, 1975
[H. Con. Res. 458]

LOAN OF MAGNA CARTA

Whereas, the historic document known as the Magna Carta of 1215 A.D. represents an essential link in the long chain of constitutional instruments; and

Whereas, American Colonists brought with them from England the traditions of free government and the principle that all persons stand as equals before the law, concepts which had been embodied in the Magna Carta, and they regarded them as their birthright and incorporated them in their colonial charters and constitutions; and

Whereas, in drafting the Constitution and the Bill of Rights of the United States, our Founding Fathers sought to guarantee to the people of these United States the freedom of the church, an independent judiciary, the right to a speedy trial, and the concept of due process of law, which principles were clearly derived from the Magna Carta; and

USC prec. title 1.

Whereas, in recognition of the Bicentennial celebrations of the United States of America, the House of Lords and the House of Commons of the Parliament of the United Kingdom of Great Britain and Northern Ireland have unanimously adopted motions respectfully praying that Her Majesty, The Queen, direct that an original copy of the Magna Carta be loaned to the people of the United States, to be held by their representative, the Congress of the United States, for a period of one year; and

Whereas, this loan has been authorized by Her Majesty, The Queen, in order that this historic document may be displayed in the Capitol, enclosed in a showcase donated by the United Kingdom for that purpose; Therefore, be it

Resolved by the House of Representatives (the Senate concurring), That the Congress of the United States recognizes that it is natural that men should value the original documents which guarantee their rights, and thus hereby expresses its sincere gratitude to Her Majesty, The Queen, the Parliament and the people of the United Kingdom for their loan to this Nation of the Magna Carta, a document of historic and symbolic significance to the peoples of both our Nations, and believes that its temporary residence here in the country of its philosophical descendants, the Declaration of Independence, the Constitution and the Bill of Rights, will contribute an important historical perspective to the Bicentennial celebration; and be it further

USC prec. title 1.

Resolved, That the showcase donated to the United States by the United Kingdom to be used to display the Magna Carta may be placed in the rotunda of the United States Capitol, and the Architect of the Capitol is hereby authorized to make the necessary arrangements therefor, including the payment of all necessary expenses incurred in connection with the installation, maintenance, and protection thereof; and be it further

Resolved, That the Secretary of State is requested to transmit a copy of these resolutions to the Parliament of the United Kingdom of Great Britain and Northern Ireland.

Passed October 23, 1975.

October 23, 1975
[H. Con. Res. 459]

ADJOURNMENT—HOUSE OF REPRESENTATIVES AND SENATE

Resolved by the House of Representatives (the Senate concurring), That when the House adjourns on Thursday, October 23, 1975, it stand adjourned until 12 o'clock meridian Tuesday, October 28, 1975, and that when the Senate adjourns on Thursday, October 23, 1975, it stand adjourned until 11:00 a.m. Tuesday, October 28, 1975.

Passed October 23, 1975.

October 31, 1975
[S. Con. Res. 71]

CORRECTIONS OF ENROLLED BILL S. 1542

Resolved by the Senate (the House of Representatives concurring), That the Secretary of the Senate in the enrollment of the bill (S. 1542), to authorize appropriations for the fiscal year 1976 for certain maritime programs of the Department of Commerce, and for other purposes, is authorized and directed to make the following correction: Section 4 to read as follows:

Ante, p. 680.

SEC. 4. Section 809(a) of the Merchant Marine Act, 1936, as amended (46 U.S.C. 1213(a)) is amended by inserting immediately after the first sentence thereof the following: "In order to assure equitable treatment for each range of ports referred to in the preceding sentence, not less than 10 percent of the funds appropriated for construction-differential subsidy and operating-differential subsidy pursuant to this Act or any law authorizing funds for the purposes of this Act shall be allocated to each such port range: *Provided, however*, That such allocation shall apply to the extent that subsidy contracts are approved by the Secretary of Commerce. Not later than March 1, 1976, and annually thereafter, the Secretary shall submit to Congress a detailed report (1) describing the actions that have been taken pursuant to this Act to assure insofar as possible that direct and adequate service is provided by United States-flag commercial vessels to each range of ports referred to in this section; and (2) including any recommendations for additional legislation that may be necessary to achieve the purpose of this section.".

Agreed to October 31, 1975.

November 19, 1975
[H. Con. Res. 215]

"THE CAPITOL"

Printing as House document; additional copies.

Resolved by the House of Representatives (the Senate concurring), That there be printed as a House document with illustrations, a revised edition of "The Capitol", compiled under the direction of the Joint Committee on Printing; and that five hundred and seventy-five thousand additional copies shall be printed, of which four hundred and forty-two thousand copies shall be for the use of the House of Representatives, one hundred and three thousand copies shall be for the use of the Senate, and thirty thousand copies shall be for the use of the Joint Committee on Printing.

Passed November 19, 1975.

November 19, 1975
[H. Con. Res. 485]

ADJOURNMENT—HOUSE OF REPRESENTATIVES AND SENATE

Resolved by the House of Representatives (the Senate concurring), That when the two Houses adjourn on Thursday, November 20, 1975, they stand adjourned until 12:00 o'clock meridian, Monday, December 1, 1975, or until 12 o'clock meridian on the second day after their Members are notified to reassemble in accordance with section 2 of this resolution, whichever first occurs.

SEC. 2. The Speaker of the House of Representatives and the President pro tempore of the Senate shall notify the Members of the House and the Senate, respectively, to reassemble whenever in their opinion the public interest shall warrant it or whenever the majority leader of the House and the majority leader of the Senate, acting jointly, or the minority leader of the House and the minority leader of the Senate, acting jointly, file a written request with the Clerk of the House and the Secretary of the Senate that the Congress reassemble for the consideration of legislation.

SEC. 3. During the adjournment of both Houses of Congress as provided in section 1, the Secretary of the Senate and the Clerk of the House, respectively, be, and they hereby are, authorized to receive messages, including veto messages, from the President of the United States.

Passed November 19, 1975.

December 12, 1975
[H. Con. Res. 466]

CONGRESSIONAL BUDGET DETERMINATIONS

Resolved by the House of Representatives (the Senate concurring), That the Congress hereby determines and declares, pursuant to section 310(a) of the Congressional Budget Act of 1974, that for the fiscal year beginning on July 1, 1975— 31 USC 1331.

(1) the appropriate level of total budget outlays is $374,900,000,000;

(2) the appropriate level of total new budget authority is $408,000,000,000;

(3) the amount of the deficit in the budget which is appropriate in the light of economic conditions and all other relevant factors is $74,100,000,000;

(4) the recommended level of Federal revenues is $300,800,000,000, and the House Committee on Ways and Means and the Senate Committee on Finance shall submit to their respective Houses legislation to decrease Federal revenues by approximately $6,400,000,000; and

(5) the appropriate level of the public debt is $622,600,000,000.

SEC. 2. The Congress hereby determines and declares, in the manner provided in section 301(a) of the Congressional Budget Act of 1974, that for the transition quarter beginning on July 1, 1976— 31 USC 1322.

(1) the appropriate level of total budget outlays is $101,700,000,000;

(2) the appropriate level of total new budget authority is $91,100,000,000;

(3) the amount of the deficit in the budget which is appropriate in the light of economic conditions and all other relevant factors is $15,700,000,000;

(4) the recommended level of Federal revenues is $86,000,000,000; and

(5) the appropriate level of the public debt is $641,000,000,000.

Passed December 12, 1975.

December 16, 1975
[S. Con. Res. 62]

NATIONAL SYSTEM OF INTERSTATE AND DEFENSE HIGHWAYS—APPORTIONMENT

Resolved by the Senate (the House of Representatives concurring), That the Secretary of Transportation shall apportion the sums authorized to be apportioned for the fiscal year 1977 for immediate expenditure on the National System of Interstate and Defense Highways, using the apportionment factors contained in table 5, House committee print numbered 94–14.

Agreed to December 16, 1975.

December 19, 1975
[S. Con. Res. 83]

CORRECTIONS OF ENROLLED BILL S. 2718

Resolved by the Senate (the House of Representatives concurring), That the Secretary of the Senate is directed to make corrections in the enrollment of S. 2718, a bill to improve the quality of rail services in the United States through regulatory reform, coordination of rail

services and facilities, and rehabilitation and improvement financing, and for other purposes as follows:

SEC. 2. In section 306 of the Regional Rail Reorganization Act (as added by section 609(b) of the bill) strike the bracket at the beginning of the section.

SEC. 3. In title VI of the bill redesignate the second section 614 as 615, and redesignate sections 615 and 616 as 616 and 617 respectively.

SEC. 4. In section 601(b)(3) of the Regional Rail Reorganization Act of 1973, as added by section 617 of the bill as redesignated is amended by—

(a) striking "(1)" the second time it appears; and

(b) striking the brackets and the material therein, except the quotation mark and the final period.

SEC. 5. Before the section heading of section 701 of the bill insert the following:

"TITLE VII—NORTHEAST CORRIDOR PROJECT IMPLEMENTATION"

SEC. 6. Section 4(m) of the Department of Transportation Act (as added by section 803 of the bill) is amended by inserting the last sentence immediately after the period of the sentence preceding it.

SEC. 7. Section 4(n) of the Department of Transportation Act (as added by section 803 of the bill) is amended by striking "(i)" and inserting in lieu thereof "(p)".

SEC. 8. Section 4(o) of the Department of Transportation Act (as added by section 803 of the bill) is amended by striking "(i)" and inserting in lieu thereof "(p)".

SEC. 9. Subdivision (e) of section 20(3) of the Interstate Commerce Act, as amended by section 307 of the bill is deleted and subdivision (f) is redesignated as subdivision (e).

SEC. 10. Section 4(r) of the Department of Transportation Act (as added by section 803 of the bill) is amended by striking "(i)" and "(j)" and inserting in lieu thereof "(p)" and "(q)" respectively.

SEC. 11. Insert a period after "(6) necessary studies" in section 101 of the bill.

SEC. 12. In section 15(6) of the Interstate Commerce Act (as amended by section 201 of the bill) strike "(C)" and insert in lieu thereof "(c)".

SEC. 13. In section 202(b) of the bill strike out all of the matter starting with "(6) In any hearing under" and ending with "at the earliest practicable time".

SEC. 14. In the matter inserted into the Interstate Commerce Act by section 202(e)(B) of the bill—

(1) strike "(9)(a)" and insert in lieu thereof "(8)(a)";

(2) strike "section 1(5)(B)(i) of this part" in new subdivision (b) thereof and insert in lieu thereof "section 1(5)(b)(i) of this part" and in such new subdivision (b) strike "subparagraph

(d) of this paragraph. That" and insert in lieu thereof "subdivision (d) alleging that";

(3) strike in its entirety clause (iv) of new subdivision (c) thereof and insert in lieu thereof the following new such clause (iv):

"(iv) the increase or decrease for any rate filed within the second year following such date of enactment is not more than 7 per centum of the rate in effect on January 1, 1977;";

(4) in new subdivision (d) thereof—

(A) after "interested party" and before "that—" insert the following: "or of the Office of Rail Public Counsel";

(B) after "injury to the complainant" and before "; and" insert the following "or, in the case of the complaint of such Office, injury to a member of the public or the public generally";

(5) in new subdivision (f) thereof after the first sentence thereof and before the last sentence thereof insert the following two new sentences: "In any hearing under this section, the burden of proof is on the carrier to show that the proposed changed rate, fare, charge, classification, rule, regulation, or practice is compensatory, just, and reasonable. The Commission shall specifically consider, in any such hearing, proof that such proposed changed rate, fare, charge, classification, rule, regulation, or practice will have a significantly adverse effect on the competitive posture of shippers or consignees to be affected by such change.".

SEC. 15. In section 202(f) of the bill in the clause preceding paragraph (1) thereof strike "to" and in paragraph (1) thereof immediately before "modify" insert "to".

SEC. 16. In section 15(3) of the Interstate Commerce Act (as amended by section 203(a) of the bill) (1) strike "In determining" in the first sentence of the new matter and insert in lieu thereof "With respect to carriers by railroad, in determining"; and (2) strike "(C)" and insert in lieu thereof "(c)".

SEC. 17. In new section 5b of the Interstate Commerce Act (as inserted in section 208(b) of the bill)—

(1) in paragraph (6)(a)(i) thereof strike "discussions or";

(2) in paragraph (6)(a)(ii) thereof strike "discussions or".

SEC. 18. In new section 24 of the Interstate Commerce Act (as inserted by section 304 of the bill)—

(1) strike out the brackets and the second sentence in subsection (b) thereof and insert in lieu thereof the following: "The Director shall be appointed by the Commission and shall be qualified and take office upon the approval of such appointment by a concurrent resolution of the Senate and of the House of Representatives.";

(2) in subsection (c) thereof strike "recommednations" and insert in lieu thereof "recommendations";

(3) in subsection (e) thereof strike the comma after President and all that follows through the end of such subsection and insert in lieu thereof a period.

SEC. 19. In section 306 of the Regional Rail Reorganization Act of 1973 (as inserted in section 609(b) of the bill) strike out the bracket immediately before "SEC. 306.".

SEC. 20. In section 403 of the bill—

(1) insert "(a)" immediately after "403.";

(2) strike "(c) Section 5 of the Interstate Commerce Act (49 U.S.C. 5) is" and insert in lieu thereof "(b) Section 5 of such Act (49 U.S.C. 5) is further".

SEC. 21. In section 404 of the bill, strike the bracket before "SEC.".

SEC. 22. Amend the first six printed lines on page 69 of the Conference Report to read as follows:

"PROTECTION OF GOVERNMENT FUNDS

"SEC. 608. Title III of the Regional Rail Reorganization Act of 1973, as amended by section 609 of this Act, is further amended by inserting the following new section:

"PROTECTION OF GOVERNMENT FUNDS

"SEC. 307. (a) AUDIT.—(1) The Comp-".

SEC. 23. In section 27(1)(d) of the Interstate Commerce Act as added by section 306 of the bill, strike "or contract carrier subject to this part I, part II, part III, or part IV of this Act" and insert in lieu thereof "carrier by railroad subject to this part".

SEC. 24. In section 15(3) of the Interstate Commerce Act as amended by section 203(a) of the bill is amended by inserting after "proposed cancellation" the words "involving any common carrier by railroad".

SEC. 25. The amendment to section 6(6) of the Interstate Commerce Act by section 209 of the bill is amended by—

(A) striking "each carrier or" and inserting in lieu thereof "each common carrier by railroad subject to this part or rail" and

(B) striking "any carrier" and inserting "any such carrier".

SEC. 26. Paragraph 9(b) of section 17 of the Interstate Commerce Act as added by section 303(a) of the bill is amended by inserting after "any matter" the following "involving a common carrier by railroad subject to this part which is".

SEC. 27. The first subdivision (d) of paragraph (3) of section 27 of the Interstate Commerce Act, as added by section 306 is amended to read as follows: "(a) 'assessment' means valuation for purposes of a property tax levied by any taxing district.".

SEC. 28. The second subsection (e) of section 611 of the bill is redesignated as subsection (1).

SEC. 29. Section 301(i) of the Regional Rail Reorganization Act of 1973, as added by redesignated section 611(1), is amended by striking out "financial assistance provided pursuant to section 802(b)(2) of the Railroad Revitalization and Regulatory Reform Act of 1975," and inserting "section 305 of this Act".

SEC. 30. Title VI of the bill is amended by adding at the end thereof the following new section:

"APPLICATION OF THE NATIONAL ENVIRONMENTAL POLICY ACT

"SEC. 617. Nothing in this title shall effect the application of the National Environmental Policy Act of 1969 (42 U.S.C. 4332(2)(c)) to actions of the Commission."

SEC. 31. The table of contents of the Regional Rail Reorganization Act of 1973, as amended by section 600(b) of the bill, is amended by (A) striking out "Section 305. Continuing reorganization; supplemental transactions", (B) striking out "SEC. 307. Supplementary assistance", and (C) striking out "SEC. 308" and inserting in lieu thereof "SEC. 307".

SEC. 32. Strike out in its entirety section 901 of the bill and redesignate sections 902 through 905 of the bill as sections 901 through 904 thereof.

SEC. 33. Amend section 903 of the bill, as redesignated by this resolution, to read as follows:

"RAIL ABANDONMENT REPORT

"SEC. 903. The Secretary shall submit to the Congress, within 90 days after the date of enactment of this Act, a comprehensive report on the anticipated effect, including the environmental impact, of any abandonments of lines of railroad and any discontinuances of rail service in States outside the region, as defined in section 102 of the Regional Rail Reorganization Act of 1973.".

SEC. 34. In section 616(b) of the bill amend paragraph (1) thereof to read as follows:

(1) by (A) striking out "—The" and insert in lieu thereof "—(1) The", and by striking out "to the extent necessary" and inserting in lieu thereof "taken";

SEC. 35. In section 211(h)(1) of the Regional Rail Reorganization Act of 1973 (as inserted in section 605 of the bill) strike "$200,000,000" and insert in lieu thereof "$400,000,000".

SEC. 36. In section 211(h)(4) of the Regional Rail Reorganization Act of 1973 (as inserted in section 605 of the bill) (A) strike "Government Banking Committee of the"; (B) strike "." at the end thereof and in the next line of the bill strike "(g)" and insert in lieu thereof "(i)".

SEC. 37. Section 305(b) of the Regional Rail Reorganization Act of 1973, as amended by section 609(b) of the bill, is amended by striking "whatever" and inserting "whether".

SEC. 38. Section 305(c) of the Regional Rail Reorganization Act of 1973 as amended by section 609(b) of the bill by striking "other than the Corporation, where it is a proposed transfer, if the Association has determined that such transfer is likely to result in the achievement of the goals specified in section 206(a) of this Act in a manner less costly to the public than that specified in the final system plan)".

SEC. 39. Section 305(d)(5) of the Regional Rail Reorganization Act of 1973, as amended by section 609(b) of the bill is amended by striking "or" following "Association" and inserting "or the Commission" following "the Secretary".

SEC. 40. Section 306(d) of the Regional Rail Reorganization Act of 1973, as amended by section 609(b) of the bill, is amended by striking "(3) the applicant has offered such security as the Secretary deems necessary to protect reasonably the interests of the United States."

SEC. 41. Section 216(b)(2) of the Regional Rail Reorganization Act of 1973, as amended by section 604 of the bill, is amended by inserting ")" following "the Board of Directors of the Association".

SEC. 42. Section 301(d) of the Regional Rail Reorganization Act of 1973, as amended by section 610(b) of the bill by (1) striking "his selection" in the third sentence and inserting "their elections" and (2) inserting " 'holder' " following "subsection" in the last sentence.

SEC. 43. Section 301(c) of the Regional Rail Reorganization Act of 1973, as amended by section 610(a) of the bill is amended by striking "also" and "initial".

SEC. 44. Section 504(g) of the Regional Rail Reorganization Act of 1973, as amended by section 614 of the bill is amended by striking "216(b)(5)" and inserting "211(h)".

SEC. 45. Section 216(c) of the Regional Rail Reorganization Act of 1973 as added by section 604 of the bill is amended by inserting "any" between "purchase" and "debentures", in clause (1) thereof.

SEC. 46. Section 211(h) of the Regional Rail Act of 1973 as added by section 605 of the bill is amended as follows:

(i) In clause (B) of paragraph (2) insert "of" before "all current assets" and insert "to" before "the payment."

(ii) In paragraph (3) change the phrase "paragraph (2)" to "paragraphs (1) and (2)".

(iii) In paragraph (4) strike the phrase "the Government Banking Committee of" and change the word "Committee" to "Association."

SEC. 47. In the final newly created subsection to section 211 of the Regional Reorganization Rail Act of 1973 as added by section 605 of the bill change "(g)" to "(i)".

SEC. 48. In subsection (r) of section 606 of the bill change "207" to "209" and change the "(e)" before "Time Extension" to "(i)".

SEC. 49. Section 301(e) of the Regional Rail Reorganization Act of 1973 as amended by section 607 by the bill is amended by striking at the beginning of the second paragraph "B preferred stock" through the first ".".

SEC. 50. Section 308(b) of the Regional Rail Reorganization Act of 1973 as added by section 607 of the bill is amended by changing "90" to "150".

SEC. 51. Section 209(f) of the Regional Rail Reorganization Act of 1973 as added by section 602 of the bill is amended by deleting the fourth sentence thereof.

SEC. 52. Section 202(c) of the bill is deleted, and subsections (d), (e), (f), and (g) are redesignated as (e), (f), (g), and (h).

SEC. 53. Paragraph (4) of section 15a of the Interstate Commerce Act, as amended by section 205 of the bill, is amended by adding at the end thereof: "No rate of carrier shall be held up to a particular level to protect the traffic of any other carrier or mode of transportation, unless the Commission finds that such rate reduces or would reduce the going concern value of the carrier charging the rate.".

SEC. 54. Section 304(e) of the Regional Rail Reorganization Act, as amended by section 804 of the bill, is amended by striking "section 808 of the Rail Services Act of 1975," and inserting in lieu thereof: "section 807 of the Railroad Revitalization and Regulatory Reform Act of 1975,".

SEC. 55. Section 402(b)(2) of the Regional Rail Reorganization Act as amended by section 805 of the bill is amended by striking "subsidies" where it appears and inserting in lieu thereof "assistance".

SEC. 56. Section 205(d)(5) of the Regional Rail Reorganization Act as amended by section 309 of the bill is amended by striking out "subsection (a)" and inserting in lieu thereof:

"(A) standards for the computation of subsidies for rail passenger service (except passenger service compensation disputes subject to the jurisdiction of the Interstate Commerce Commission under section 705 of this Act), which are consistent with the compensation principles described in the final system plan and which avoid cross subsidization among commuter, intercity, and freight services; and".

SEC. 57. Section 807(c)(A) of the bill is amended by striking "706" and inserting "705".

SEC. 58. Section 402(h) of the Regional Rail Reorganization Act as amended by section 805 of the bill is amended by striking "Rail Services Act of 1975," and inserting in lieu thereof "Railroad Revitalization and Regulatory Reform Act of 1975."

SEC. 59 In section 202(b), lines 12 and 13 of new section 15(8) are amended by inserting "this", after "pursuant to" in line 12 and striking "(7) of this section" in line 13.

SEC. 60. In section 206, the numeral at the beginning of the new section is changed from (18) to (17).

SEC. 61. In section 303, quotation marks are added immediately before "(d)" on page 18, line 25. On page 19, line 22, "this" is added immediately after "set forth in", the word "sections" is amended to "section" and "(5) or (6)" is deleted.

SEC. 62. On page 19, line 29, quotation marks are added before "(e)".

SEC. 63. On page 19, line 46, the letter (d) is changed to (f) and quotation marks are added before said letter.

SEC. 64. On page 20, line 1, the letter (f) is changed to (g) and quotation marks are added before it.

SEC. 65. On page 20, line 8, the letter (g) is changed to (h) and quotation marks are added before it.

SEC. 66. On page 20, line 13, (h) is changed to (i) and quotation marks are added before it.

SEC. 67. On page 20, line 11, after the word "part" add "and shall apply only to such matters".

SEC. 68. Section 808 of the bill is amended by striking "section 808 of the Rail Services Act of 1975," and inserting in lieu thereof "section 807 of the Railroad Revitalization and Regulatory Reform Act of 1975."

SEC. 69. Subsection (f) of section 805 of the bill is deleted.

SEC. 70. Section 805 of the bill is amended by adding at the end thereof the following new subsection:

"(c) Section 403(b) of the Regional Rail Reorganization Act of 1973 (45 U.S.C. 763(b)) is amended by striking out the last sentence and inserting in lieu thereof the following: "Notwithstanding any other provision of this title, a State may expend sums received by it under paragraphs (1) and (2) of section 402(b) of this title for acquisition and modernization pursuant to this section, or for any project designated pursuant to a State rail plan.".

SEC. 71. In section 611(m) of the bill, strike "reading" after "adding a new subsection".

SEC. 72. In section 303(b) of the Regional Rail Reorganization Act of 1973 (as amended by section 611(k) of the bill) strike out "an" after "shall not be deemed a breach," and insert in lieu thereof "in".

SEC. 73. In paragraph (3) of section 501 of the Regional Rail Reorganization Act (as amended by section 612(3) of the bill) strike "1" after "has not reached age 65 on the effective date of this Act or;".

SEC. 74. In section 403(c)(C) of the Regional Rail Reorganization Act, as amended by section 805(b) of the bill as amended by these amendments, delete ", fiscal" and insert in lieu thereof "fiscal".

SEC. 75. In section 301(i) of the Regional Rail Reorganization Act of 1973 (as amended by section 611(l) of the bill) insert "" " before "(i)".

SEC. 76. In section 611(e) of the bill the second time it appears strike out "(e)" and insert in lieu thereof "(l)".

SEC. 77. Delete "SEC. 616." of the bill and insert in lieu thereof "SEC. 617.".

SEC. 78. Delete "SEC. 615." of the bill and insert in lieu thereof "SEC. 616.".

SEC. 79. Delete "SEC. 614." of the bill the second time it appears and insert in lieu thereof "SEC. 615.".

SEC. 80. In the last sentence of section 402(a)(1) of the Regional Rail Reorganization Act of 1973, as amended by section 805(a) of the bill, delete "(1)" and "(2)" and insert in lieu thereof "(A)" and "(B)".

SEC. 81. Delete "(f)" of section 805 and "(b)" of section 805 and insert in lieu thereof "(b)" and "(c)", respectively.

SEC. 82. In section 611(l) of the bill as amended by section 29 of this resolution, strike "new subsection:" after "at the end thereof the following" and insert in lieu thereof "2 new subsections:".

Agreed to December 19, 1975.

December 19, 1975
[H. Con. Res. 518]

ADJOURNMENT SINE DIE

Resolved by the House of Representatives (the Senate concurring), That when the two Houses adjourn on Friday, December 19, 1975, they shall stand adjourned sine die or until 12:00 noon on the second day after their respective Members are notified to reassemble in accordance with section 2 of this resolution, whichever event first occurs.

SEC. 2. The Speaker of the House of Representatives and the President pro tempore of the Senate shall notify the Members of the House and the Senate, respectively, to reassemble whenever, in their opinion, the public interest shall warrant it, or whenever the majority leader of the Senate and the majority leader of the House, acting jointly, or the minority leader of the Senate and the minority leader of the House, acting jointly, file a written request with the Secretary of the Senate and the Clerk of the House that the Congress reassemble for consideration of legislation.

SEC. 3. During the adjournment of both Houses of Congress as provided in section 1, the Secretary of the Senate and the Clerk of the House, respectively be, and they hereby are, authorized to receive messages, including veto messages, from the President of the United States.

Passed December 19, 1975.

PROCLAMATIONS

PROCLAMATIONS

Proclamation 4339 • December 30, 1974

March of Dimes Birth Defects Prevention Month, 1975

By the President of the United States of America

A Proclamation

The nation's most precious resource is our children. Each year, however, about 150,000 babies born alive in this country have some kind of birth defect. In the first year of life, birth defects are a leading cause of death.

Today, more than 1,500 genetic defects have been cataloged, and new defects are being described in increasing numbers. Some of these are pre-existing defects from parent to child, some are caused by factors in the environment such as radiation exposure, drugs, chemicals and infections, while the cause of others is still unknown.

Discovery that a baby has a birth defect is devastating to parents. In some families, however, the probability that a specific birth defect will occur can be predicted with some accuracy.

Some defects can be diagnosed before, at, or shortly after birth. Almost as many are discovered during the first year of life. A few do not become evident until years later. Some defects can be corrected during the earliest months of life, but others unfortunately result in life-long handicaps and are irreversible. Some defects are severe and some are so mild that they can be overcome with specialized medical management.

Birth defects occur in families in every social, economic, racial, and educational level. The problems presented by these defects today are different than they were 10 years ago. Damage caused to an unborn infant by the German measles virus can virtually be eliminated with the use of the German measles vaccine. Further reductions in other birth defects can be made using knowledge already available. Good prenatal care from the earliest weeks of pregnancy, or, better yet, even before pregnancy, can help protect the pregnant woman and her unborn child from potential factors known to cause these tragic defects. In addition, new information about genetics and the effects of drugs taken by a

pregnant woman upon the developing child is being used to prevent these disorders.

Prevention is far better than a cure. It is very fitting, therefore, that the efforts be recognized of medical researchers and practitioners throughout the country, other health professionals, and voluntary organizations working so hard toward achieving this goal of prevention.

By joint resolution, the Congress authorized and requested that the President annually designate the month of January as March of Dimes Birth Defects Prevention Month. Only through a joint effort by government and the public it serves can we continue to improve the health of our most precious resource.

NOW, THEREFORE, I, GERALD R. FORD, President of the United States of America, do hereby designate January 1975 as March of Dimes Birth Defects Prevention Month.

I invite the Governors of the States and appropriate local government officials to support March of Dimes Birth Defects Prevention Month activities and I call upon the nation's mass communications media to join in encouraging all Americans to heed the message of March of Dimes Birth Defects Prevention Month—prevention of birth defects before they occur.

I urge everyone: government officials at all levels—national, state, and local—voluntary organizations, and private groups everywhere, to give special attention to these efforts for the continuing prevention of birth defects and to helping those who are afflicted.

I urge that citizens of this country fight against birth defects and particularly emphasize to all mothers the importance of maintaining good health by seeking medical care during the childbearing years.

IN WITNESS WHEREOF, I have hereunto set my hand this thirtieth day of December, in the year of our Lord nineteen hundred and seventy-four, and of the Independence of the United States of America the one hundred and ninety-ninth.

GERALD R. FORD

Proclamation 4340 • **January 22, 1975**

National Jaycee Week, 1975

By the President of the United States of America

A Proclamation

To lead and to serve are the twin ideals of the United States Jaycees. By bringing together outstanding young members of communities throughout America, the Jaycees provide a reservoir and a forum for potential national leaders; by directing their energy and skills to a wide variety of humanitarian projects, the Jaycees serve our country and mankind.

For more than half a century, the United States Jaycees have strengthened our life as a democratic society. They belong to a cherished tradition going back to our country's very beginnings when community leaders from throughout the 13 colonies—many of them young men like the Jaycees—banded together with vision and talent to forge a free nation.

Today, in more than 7,000 chapters in each of the 50 states and the Nation's capital, some 300,000 Jaycees serve this time-honored ideal in a modern setting, dedicating their free time to faith, brotherhood, freedom and the service of their fellow man.

NOW, THEREFORE, I, GERALD R. FORD, President of the United States of America, do hereby designate the week beginning January 19, 1975, as National Jaycee Week—a time for the expression of America's gratitude for the many significant contributions of the United States Jaycees.

IN WITNESS WHEREOF, I have hereunto set my hand this twenty-second day of January, in the year of our Lord nineteen hundred seventy-five, and of the Independence of the United States of America the one hundred ninety-ninth.

GERALD R. FORD

Proclamation 4341 • January 23, 1975

Modifying Proclamation No. 3279,[1] Relating to Imports of Petroleum and Petroleum Products, and Providing for the Long-Term Control of Imports of Petroleum and Petroleum Products Through a System of License Fees

By the President of the United States of America

A Proclamation

WHEREAS the Director of the Office of Civil and Defense Mobilization found pursuant to Section 2 of the Act of July 1, 1954, as amended (19 U.S.C. 1352a), "that crude oil and the principal crude oil derivatives and products are being imported in such quantities and under such circumstances as to threaten to impair the national security;" and

19 USC 1862 note.

WHEREAS, Proclamation No. 3279 as well as modifications thereof, including Proclamation No. 4210 which suspended tariffs on imports of petroleum and petroleum products and established a system of license fees for such imports, was issued pursuant to this finding; and

19 USC 1862 note.

WHEREAS, although conditions in world oil markets have changed significantly in recent years, the above finding continues to be valid at the present time; and

WHEREAS, the Administrator of the Federal Energy Administration who maintains constant surveillance of imports of petroleum and its primary derivatives in respect to the national security, and who has reviewed the current status of imports under Proclamation No. 3279, as amended, has recommended that the method of adjusting imports of crude oil and the principal crude oil derivatives and products be modified; and

WHEREAS, I agree with this recommendation; and

WHEREAS, pursuant to Section 232 of the Trade Expansion Act of 1962, as amended (19 U.S.C. 1862), the Secretary of the Treasury having made an appropriate investigation to determine the effects on

[1] 24 FR 1781, 3 CFR, 1959–1963 Comp., p. 11.

the national security of imports of crude oil and the principal crude oil derivatives and products and having considered the matters required by him to be considered by the Trade Expansion Act of 1962, as amended, has reported the findings of his investigation and has advised me that crude oil, the principal crude oil derivatives and products, and related products derived from natural gas and coal tar, are being imported in such quantities and under such circumstances as to threaten to impair the national security and has recommended that I take action to reduce such imports; and

19 USC 1801 note.

WHEREAS, having considered the matters required by me to be considered by the Trade Expansion Act of 1962, as amended, I agree with the said advice; and

WHEREAS, I find and declare that adjustments must be made in imports of crude oil, the principal crude oil derivatives and products, and related products, so that such imports will not so threaten to impair the national security; and

WHEREAS, I judge it necessary and consistent with the national security to further discourage importation into the United States of petroleum, petroleum products, and related products, in such quantities or under such circumstances as to threaten to impair the national security; to create conditions favorable to domestic crude oil production needed for projected national security requirements; and to increase the capacity of domestic refineries and petrochemical plants to meet such requirements; and to encourage the development of other sources of energy; and

WHEREAS, in order to achieve the above objectives, I determine that a supplemental fee should be imposed on all imports of petroleum and petroleum products, and that certain other changes in the existing license fee system be made; and

WHEREAS, I have instructed the Administrator of the Federal Energy Administration to evaluate the structure and scope of coverage of those aspects of the existing Mandatory Oil Import Program which are not changed by this Proclamation, and to report to me within three months with his recommendations;

NOW, THEREFORE, I, GERALD R. FORD, President of the United States of America, acting under and by virtue of the authority

USC prec. title 1.
19 USC 1862.

vested in me by the Constitution and the laws of the United States, including Section 232 of the Trade Expansion Act of 1962, as amended, do hereby proclaim that, effective as of February 1, 1975, a new system of oil import fees is instituted, and accordingly, Proclamation No. 3279, as amended, is hereby further amended as follows:

19 USC 1862 note.

SECTION 1. Subparagraph (1) of paragraph (a) of section 3 is amended to read as follows:

SEC. 3(a)(1). Effective February 1, 1975, the Administrator shall issue allocations and licenses subject to fees, on imports of crude oil, unfinished oils, and finished products. Such licenses shall require, among other appropriate provisions, that:

(i) With respect to imports of crude oil and natural gas products, over and above the levels of imports established in Section 2 of this Proclamation, such fees shall be $0.21 per barrel;

(ii) With respect to imports of motor gasoline, unfinished oils, and all other finished products (except ethane, propane, butanes, and asphalt), over and above the levels of imports established in Section 2 of this Proclamation, such fees shall be $0.63 per barrel;

(iii) With respect to imports of crude oil, natural gas products, unfinished oils, and all other finished products (except ethane, propane, butanes, and asphalt) entered into the customs territory of the United States on or after February 1, 1975, there shall be a supplemental fee per barrel, of $1.00, rising to $2.00 on imports entered on or after March 1, 1975, and to $3.00 on imports entered on or after April 1, 1975;

(iv) With respect to the fees imposed pursuant to paragraphs 3(a)(1)(i)–(iii), the amount of such fees shall be reduced, on a monthly basis, by an amount equal to any applicable duties paid less any drawbacks received during the same period, except that where duty drawbacks exceed the duty paid during that period, the net differences shall be applied to subsequent periods;

(v) With respect to all licenses issued prior to the effective date of this Proclamation, such licenses shall be subject to paragraph 3(a)(1)(iii), regardless of whether such licenses were issued as a result of payment of fees or an allocation not subject to fee;

(vi) With respect to licenses issued prior to the effective date of this Proclamation, not subject to the license fee prescribed in paragraph 3(a)(1)(i)–(ii) or licenses issued by prepayment of such fees, payment

of the fees prescribed in paragraph 3(a)(1)(iii) shall be made no later than the last day of the month following the month in which such imports were released from customs custody or entered or withdrawn from warehouse for consumption, whichever occurs first. With respect to licenses subject to the fees prescribed in paragraph 3(a)(1)(i)–(ii) but issued against a surety bond, payment of the fees prescribed in paragraph 3(a)(1)(iii) shall be made simultaneously with payment of the fees prescribed in paragraph 3(a)(1)(i)–(ii). Notwithstanding the provisions of paragraph (b) of Section 3, surety bonds need not be increased to cover the additional fee liability on licenses issued prior to the effective date of this Proclamation;

(vii) With respect to licenses issued on or after February 1, 1975, for imports entered into the customs territory of the United States prior to April 1, 1975, an amount of fees under paragraph 3(a)(1)(iii) equal to those due on April 1, 1975, shall be payable, subject to refund of the difference between the amount of the fee applicable at the time the imports are entered and the amount already paid;

(viii) With respect to licenses issued pursuant to paragraph 3(a)(1)(iii) for imports other than (A) crude oil as defined for purposes of the Old Oil Allocation Program which is imported for refining or (B) products refined in a refinery outside of the customs territory as to which crude oil runs to stills would qualify a refiner to receive entitlements under the Old Oil Allocation Program, the Administrator may by regulation reduce the fee payable by the following amounts, or by such other amounts as he may determine to be necessary to achieve the objectives of this Proclamation and the Emergency Petroleum Allocation Act of 1973:

15 USC 751 note.

—for imports entered into the United States customs territory during the month of February, 1975, $1.00 per barrel;

—for imports entered during the month of March, 1975, $1.40 per barrel;

—for imports entered during the month of April, 1975, and thereafter, $1.80 per barrel.

(ix) With respect to licenses issued pursuant to paragraph 3(a)(1)(i)–(iii), the Administrator:

(A) With respect to imports of crude oil, to the extent that such imports are refined into products or incorporated into petrochemicals

exported from the United States and its territories and possessions, shall refund any fee collected; *provided,* that the Administrator may limit the quantity of exports to which refunds under this provision may be applicable;

(B) With respect to unfinished oils, may, by regulation, provide for refunds to the extent that such unfinished oils are refined into products or incorporated into petrochemicals which are exported from the United States and its territories and possessions; and

(C) With respect to petrochemicals, shall specify, by regulation, those petrochemicals which qualify an importer for a refund under this subparagraph."

SEC. 2. In addition to the foregoing amendments, which in themselves are intended to achieve the objectives of this Proclamation, the following additional and conforming amendments are made to Proclamation No. 3279, as amended:

19 USC 1862 note.

(a) Paragraph (c) of Section 1 is amended to read as follows:

"(c) In Districts I–IV, District V, and in Puerto Rico, no department, establishment, or agency of the United States shall without prior payment of the fees provided for in Section 3(a)(1) (i)–(ii) of this Proclamation, import finished products in excess of the respective allocations made to them by the Administrator. Such allocations shall, except as otherwise provided in this Proclamation, be within the maximum levels of imports established in Section 2 of this Proclamation. No such department, establishment, or agency shall be exempt from the fees provided in Section 3(a)(1)(iii)."

(b) Section 2 is amended in the following respects:

(1) The first sentence of paragraph (a) of section 2 preceding subparagraph (1) is amended to read as follows:

"SEC. 2(a). Except as otherwise provided in this Proclamation, the maximum level of imports, from sources other than Canada and Mexico which may be made without prior payment of the fees provided in Section 3(a)(1) (i)–(ii) of this Proclamation, of crude oil, unfinished oils, and finished products (other than residual fuel oil to be used as fuel) shall be:"

(2) Subparagraphs (1), (2), (5) and (6) of paragraph (a) of section 2 are amended by deleting the word "calendar" wherever it appears.

19 USC 1862 note.

(3) Paragraph (c) of section 2 is deleted, and paragraph (d) is redesignated as paragraph (c).

(4) Subparagraph (1) of paragraph (d) of section 2 preceding the portion of subparagraph (1) designated (i) is amended to read as follows:

"(c)(1) Except as otherwise provided in this Proclamation, the maximum levels of imports from Canada of crude oil and unfinished oils to which license fees under section 3(a)(1) (i)–(ii) are not applicable shall be:"

(5) Subparagraph (1) of paragraph (d) of section 2 is amended in the portions designated (i) and (ii) by deleting the word "calendar" wherever it appears.

(6) Paragraph (e) of section 2 is redesignated as paragraph (d), and is amended by deleting the word "calendar."

(7) Paragraph (f) of section 2 is redesignated as paragraph (e).

(c) Section 3 is amended in the following additional respects:

(1) Subparagraph (2) of paragraph (a) of section 3 is amended in its proviso to read as follows:

"*Provided,* that such rate shall apply also in cases where the holder of the license establishes to the satisfaction of the Administrator that he made a good faith attempt to arrange shipment by vessel under United States registry and that no such vessel was available at reasonble rates for the purpose at the time this shipment was made."

(2) Subparagraph (3) of paragraph (a) of section 3 is amended to read as follows:

"(3) The Administrator is authorized to refund or reduce fees, whether in whole or in part, (i) for payment to the importer of record, on a monthly basis, of sums equal to the sums collected by way of duties, by the United States Customs Service, less any applicable drawback pursuant to paragraph 3(a)(1)(iv); (ii) for payment to the importer of record of the sums required to be refunded by paragraphs 3(a)(1)(vii) and (viii); (iii) where the licensee failed to use, wholly or in part, the license issued to him; (iv) where refunds of license fees, whether in whole or in part, are ordered by the Oil Import Appeals Board; (v) where refund of a license fee, whether in whole or in part, is called for by reason of a person having exported finished products or petrochemicals; (vi) where crude oil imported by virtue of a license for which a fee

was paid has been manufactured into asphalt; (vii) where refund of a license fee is called for by reason of the same having been improperly charged."

19 USC 1862 note.

(3) Paragraph (b) of section 3 is amended to read as follows:

"(b) Applications for allocations and licenses for imports subject to fee under this section shall be accompanied by the applicant's certified check, or a cashier's check, payable to the order of the Treasurer of the United States in the amount chargeable pursuant to this section, or by a bond with a surety on the list of acceptable sureties on Federal bonds maintained by the Bureau of Government Financial Operations, Department of the Treasury, in a sum not less than the amount chargeable pursuant to this section, conditioned upon payment of such amount to the order of the Treasurer of the United States, by the last day of the month following the month in which such imports were released from customs custody or entered or withdrawn from warehouse, whichever occurs first, or within such other period as the Administrator shall specify. In the event that such bond is terminated or the face value of the bond is reduced below the outstanding liability of licenses issued pursuant to the bond, the Administrator shall immediately revoke all licenses issued pursuant to the bond. Except as to a department, establishment or agency of the United States, applications not accompanied by a certified check, cashier's check, or bond in the amount required shall not be considered. Payment of fees by or for the account of a department, establishment, or agency of the United States shall be accomplished by transfers, as appropriate, from appropriation accounts available to such department, establishment, or agency, to the suspense account provided by subparagraph (1) of paragraph (c) of this section."

(4) Subparagraph (1) of paragraph (c) of section 3 is amended to read as follows:

"(c)(1) All monies received by the Administrator under the terms of paragraph (b) of this section shall be held by the Administrator in a suspense account and may be drawn upon by the Administrator for the payment of refundable license fees. Balances remaining in such suspense account and not required to be reserved for payments hereinabove provided shall be deposited at the end of each fiscal year in the Treasury of the United States and credited to miscellaneous receipts."

(5) Subparagraph (2) of paragraph (c) of section 3 is redesignated as subparagraph (3) and a new subparagraph (2) is added to para-

graph (c) to read as follows:

"(2) Any importer, paying fees pursuant to this section, shall, with respect to each such payment, receive the refunds authorized by subparagraph (1)(iv) of paragraph (a) of this section by submitting to the Administrator, simultaneously with or subsequent to the payment of license fees, such evidence of tariff payment as the Administrator shall specify. Said importer shall also certify the amount of drawback received during the same period for which a refund is requested."

(d) Section 4 is amended in the following respects: 19 USC 1862 note.

(1) Subparagraphs (1), (2), and (4) of paragraph (b) of section 4 are amended by inserting the phrase "under section 3(a)(1)(i)–(ii)" after the words "license fees" wherever such words shall appear.

(2) Subparagraph (5) of paragraph (b) of section 4 is amended in the first sentence by inserting the phrase "under section 3(a)(1)(i)–(ii)" after the words "license fees", and in the third and fourth sentences by inserting the words "to which fees under section 3(a)(1)(i)–(ii) shall not be applicable" after the word "allocations", wherever such word shall appear.

(4) Paragraph (c) of section 4 is amended by adding, at the end of said paragraph, the following sentence:

"In exercising this authority the Administrator will consult with the Secretaries of State, Treasury, and Defense, as appropriate."

(5) Paragraph (d) of section 4 is deleted.

(e) Section 5 is amended in the following respects:

(1) Paragraph (a) of section 5 is amended by deleting the last sentence.

(2) Paragraph (b) of section 5 is amended in clause (1) of the first sentence by deleting the words "on applications for allocations of imports under such regulations," and by inserting the words "under implementing regulations," in the last sentence by deleting the word "fee" and inserting the words "from the fees established in section 3(a)(i)–(ii)", and by adding a new sentence after the last sentence to read as follows: "Any allocations granted by the Board, however, shall be subject to payment of the fees established in section 3(a)(1)(iii)."

(f) Section 10 is redesignated as section 7 and is amended to read as follows:

"SEC. 7. The Administrator shall provide policy direction, coordina-

tion, and surveillance of the mandatory oil import program, and shall, from time to time, in consultation with the Secretaries of State and the Treasury and other federal agencies as appropriate, review the status of imports of petroleum and its primary derivatives in respect to the national security. In this connection, he shall inform the President of any circumstances which might indicate the need for further Presidential action under Section 232 of the Trade Expansion Act of 1962 (19 U.S.C. 1862), as amended."

19 USC 1862 note.

(g) Section 11 is redesignated as section 8 and is amended by adding after the words "fee" or "fees", wherever they shall appear, the phrase "under section 3(a)(1)(i)–(ii)", and by deleting the proviso.

(h) Section 12 is redesignated as section 9, and is amended by substituting a comma for the period, and by adding the words "except that all such allocations shall be subject to the payment of fees prescribed by section 3(a)(1)(iii) of this Proclamation."

(i) Section 13 is redesignated as section 10.

(j) Section 14 is deleted.

(k) Section 15 is redesignated as section 11 and is amended by adding, after the last paragraph, the following paragraphs:

"(m) The term 'Administrator' means the Administrator of the Federal Energy Administration, or his delegate.

15 USC 751 note.

"(n) The term 'Old Oil Allocation Program' means the program adopted pursuant to the Emergency Petroleum Allocation Act of 1973 for Allocation of Old Oil, 39 F.R. 42246 (December 4, 1974), 10 C.F.R. 211.67."

(l) Section 16 is redesignated as section 12, and is amended to read as follows:

"SECTION 12. Effective with respect to articles entered, or withdrawn from warehouse for consumption on or after February 1, 1975, tariffs upon imports of petroleum products listed in schedule 4, part 10—"Petroleum, natural gas, and products derived therefrom"—of the Tariff Schedules of the United States shall be and are reinstated."

19 USC 1202.

IN WITNESS WHEREOF, I have hereunto set my hand this twenty-third day of January, in the year of our Lord nineteen hundred seventy-five, and of the Independence of the United States of America the one hundred and ninety-ninth.

GERALD R. FORD

Proclamation 4342 • January 25, 1975

National MIA Awareness Day

By the President of the United States of America

A Proclamation

January 27, 1975, marks the second anniversary of the signing of the Paris Agreement ending United States combat involvement in Vietnam. Although the Agreement contains specific obligations on accounting for the missing and the return of the remains of the dead, the communist authorities have failed either to provide this information or to follow through on the return of the remains of our dead. Over 2400 Americans are still unaccounted for—some 900 of them still listed as missing, the remainder declared dead with their bodies never recovered. The families of these men continue to live with the anguish of uncertainty about the ultimate fate of these loved ones.

NOW, THEREFORE, I, GERALD R. FORD, President of the United States of America, do hereby designate Monday, January 27, 1975, as National MIA Awareness Day, dedicated to the many Americans who remain missing or unaccounted for in Indochina, and to their families. I call upon all Americans to join in voicing once again the clear, continuing commitment of the American people and their Government to seek the fullest possible accounting for Americans missing in Southeast Asia and the return of the remains of those who died.

IN WITNESS WHEREOF, I have hereunto set my hand this twenty-fifth day of January, in the year of our Lord nineteen hundred seventy-five, and of the Independence of the United States of America the one hundred ninety-ninth.

GERALD R. FORD

Proclamation 4343 • January 27, 1975

National Poison Prevention Week, 1975

By the President of the United States of America

A Proclamation

The future of America is in our children. For 13 years, National Poison Prevention Week has been an annual landmark in the ongoing campaign to protect the young children, our country's greatest resource, from the tragedies of childhood poisonings.

The average American home contains a growing variety of labor-saving devices, chemical products, and medicines. We can be proud of the skill and initiative that have made this progress possible. Yet, every thoughtful citizen must be aware that these household products and drugs which ease our daily life, in many instances, are potentially poisonous if used unwisely or stored so carelessly that small children can get to them.

Our challenge as educators, as parents, and as citizens is to strive to reduce the toll of childhood poisoning through adequate programs of public education and information. These programs should develop an awareness of the potential danger associated with many products in the home environment.

15 USC 1471 note.

Since 1970, the Poison Prevention Packaging Act has contributed substantially to reducing the number of harmful accidental intakes and subsequent injuries and fatalities among children under five. Poisoning reports for aspirin, the product most frequently involved in childhood intake and deaths, have shown a marked decrease since requirements were established under the Act for child-resistant packaging. In order to give further recognition and emphasis to the need to reduce this tragic toll, the Congress has by a joint resolution of September 26, 1961 (75 Stat. 681), requested that the President of the United States annually issue a Proclamation declaring the third week in March as National Poison Prevention Week.

36 USC 165.

NOW THEREFORE, I, GERALD R. FORD, President of the United States of America, do hereby proclaim the week beginning March 16, 1975, as National Poison Prevention Week.

I invite all agencies and organizations concerned with preventing accidental poisoning among our Nation's children to engage in activities that will speed our Nation's progress in protecting all our children against lasting injury or death from accidental poisoning.

IN WITNESS WHEREOF, I have hereunto set my hand this twenty-seventh day of January, in the year of our Lord nineteen hundred seventy-five, and of the Independence of the United States of America the one hundred ninety-ninth.

GERALD R. FORD

Proclamation 4344 • **January 30, 1975**

International Clergy Week in the United States

By the President of the United States of America

A Proclamation

In a world plagued by violence and suffering, clergymen of all denominations help lead the human family to the "peace of God, which passeth all understanding." In a time of difficult choices and moral questioning, they point the way to the higher values of conduct.

As God's ministers on earth, practicing the human virtues of charity, humanity and compassion, they bring us closer to each other and nearer to our Creator.

NOW, THEREFORE, in recognition of the spiritual and special guidance of the clergy in our Country and throughout the world, I, GERALD R. FORD, President of the United States of America, do hereby proclaim the week of February 2, 1975, as International Clergy Week in the United States. I call upon our people to honor these servants of God and man through appropriate activities and ceremonies.

IN WITNESS WHEREOF, I have hereunto set my hand this thirtieth day of January in the year of our Lord nineteen hundred seventy-five, and of the Independence of the United States of America the one hundred ninety-ninth.

GERALD R. FORD

Proclamation 4345 • **January 30, 1975**

Amending Proclamation No. 4313 [1] of September 16, 1974, To Extend the Application Period of the Program for the Return of Vietnam Era Draft Evaders and Military Deserters

By the President of the United States of America

A Proclamation

50 USC app. 462 note.

On September 16, 1974, I issued Proclamation No. 4313, announcing a program of earned return for those convicted and accused of violating certain provisions of the Selective Service Act or the Uniform Code of Military Justice during the Vietnam conflict.

50 USC app. 451.
10 USC 801 *et seq.*

Upon careful review of the progress of this program, I believe that many of those persons who could benefit from this program are only now learning of its application to their cases. Therefore, I am extending the date by which all applications must be received.

NOW, THEREFORE, I, GERALD R. FORD, President of the United States of America, pursuant to my powers under Article II of the Constitution, do hereby proclaim that Proclamation No. 4313 is amended as follows:

USC prec. title 1.

SECTION 1. Paragraph (i) of Section 1 is amended to read as follows:

"presents himself to a United States Attorney before March 1, 1975,".

SEC. 2. The first paragraph of Section 2 is amended by striking out the date "January 31, 1975," after the words "offenses directly related thereto if before" and inserting in place thereof "March 1, 1975,".

IN WITNESS WHEREOF, I have hereunto set my hand this thirtieth day of January, in the year of our Lord nineteen hundred seventy-five, and of the Independence of the United States of America the one hundred ninety-ninth.

GERALD R. FORD

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[1] 39 FR 33293; 3A CFR, 1974 Comp., p. 68.

Proclamation 4346 • **February 1, 1975**

Reserving Certain Lands Adjacent to and Enlarging the Boundaries of the Buck Island Reef National Monument in the Virgin Islands of the United States

By the President of the United States of America

A Proclamation

The Buck Island Reef National Monument, situated off the northeast coast of Saint Croix Island in the Virgin Islands of the United States, was established by Proclamation No. 3443 of December 28, 1961 (76 Stat. 1441). It now has been determined that approximately thirty acres of submerged land should be added to the monument site in order to insure the proper care and management of the shoals, rocks, undersea coral reef formations and other objects of scientific and historical interest pertaining to this National Monument. 16 USC 431 note.

These thirty acres of submerged lands are presently owned in fee by the United States. They will be conveyed to the Government of the Virgin Islands on February 3, 1975, pursuant to Section 1(a) of Public Law 93-435 (88 Stat. 1210), unless the President, under Section 1(b)(vii) of that Act, designates otherwise. 48 USC 1705.

Under Section 2 of the Act of June 8, 1906, 34 Stat. 225 (16 U.S.C. 431), the President is authorized to declare by public Proclamation objects of historic or scientific interest that are situated upon the lands owned or controlled by the Government of the United States to be national monuments, and may reserve as a part thereof parcels of land, the limits of which in all cases shall be confined to the smallest area compatible with the proper care and management of the objects to be protected. The aforementioned thirty acres of submerged lands are contiguous to the site of the Buck Island Reef National Monument, constitute a part of the ecological community of the Buck Island Reef, and will not enlarge the monument boundaries beyond the smallest area compatible with its proper care and management.

NOW, THEREFORE, I, GERALD R. FORD, President of the United States of America, by virtue of the authority vested in me by Section 1(b)(vii) of Public Law 93-435 (88 Stat. 1210), do hereby proclaim that the lands hereinafter described are excepted from the transfer to the Government of the Virgin Islands under Section 1(a) of

48 USC 1705.

Public Law 93–435; and, by virtue of the authority vested in me by Section 2 of the Act of June 8, 1906, 34 Stat. 225 (16 U.S.C. 431), do hereby proclaim that, subject to valid existing rights, the lands hereinafter described are hereby added to and made a part of the Buck Island Reef National Monument, and Proclamation No. 3443 of December 28, 1961, establishing the Buck Island Reef National Monument is amended accordingly.

16 USC 431 note.

Beginning at latitude 17°47′30″ N, longitude 64°36′32″ W; thence approximately 1000 feet to latitude 17°47′27″ N, longitude 64°36′22″ W; thence approximately 900 feet to latitude 17°47′18″ N, longitude 64°36′22″ W; thence approximately 1000 feet to latitude 17°47′15″ N, longitude 64°36′22″ W; thence approximately 1500 feet to latitude 17°47′30″ N, longitude 64°36′32″ W, the place of beginning, embracing an area of approximately 30 acres.

IN WITNESS WHEREOF, I have hereunto set my hand this first day of February, in the year of our Lord nineteen hundred seventy-five, and of the Independence of the United States of America the one hundred and ninety-ninth.

GERALD R. FORD

Proclamation 4347 • February 1, 1975

Reserving Certain Submerged Lands Adjacent to Rose Atoll National Wildlife Refuge Territory of American Samoa and, Certain Submerged Lands for the Defense Needs of the United States in the Territories of Guam and the Virgin Islands

By the President of the United States of America

A Proclamation

The submerged lands surrounding the Rose Atoll National Wildlife Refuge in American Samoa are necessary for the protection of the Atoll's marine life, including the green sea and hawksbill turtles. The submerged lands in Apra Harbor and those adjacent to Inapsan Beach and Urano Point in Guam, and certain submerged lands on the west coast of St. Croix, United States Virgin Islands are required for national defense purposes. These submerged lands in American Samoa, Guam and the United States Virgin Islands will be conveyed to the Government of those territories, on February 3, 1975, pursuant to Section 1(a)

of Public Law 93–435 (88 Stat. 1210), unless the President, under Section 1(b)(vii) of that Act, designates otherwise. 48 USC 1705.

NOW, THEREFORE, I, GERALD R. FORD, President of the United States of America, by virtue of authority vested in me by Section 1(b)(vii) of Public Law 93–435 (88 Stat. 1210) do hereby proclaim that the lands hereinafter described are excepted from the transfer to the Government of American Samoa, the Government of Guam and the Government of the United States Virgin Islands under Section 1(a) of Public Law 93–435.

American Samoa. The submerged lands adjacent to Rose Atoll located 78 miles east-southeast of Tau Island in the Manua Group at latitude 14°32'52" south and longitude 168°08'34" west, which lands shall be under the joint administrative jurisdiction of the Department of Commerce and the Department of the Interior.

Guam. (1) The submerged lands of inner and outer Apra Harbor; and, (2) the submerged lands adjacent to the following uplands: (a) Unsurveyed land, Municipality of Machanao, Guam, as delineated on Commander Naval Forces, Marianas Y & D Drawing Numbered 597–464, lying between the seaward boundaries of Lots Numbered 9992 through 9997 and the mean high tide, containing an undetermined area of land, (b) unsurveyed land, Municipality of Machanao, Guam, as delineated on Commander Naval Forces, Marianas Y & D Drawing Numbered 597–464, lying between the seaward boundary of Lot Numbered 10080 and the line of mean high tide, containing an undetermined amount of land, and (c) Lot Numbered PO 4.1 in the Municipality of Machanao, Guam, as delineated on Y & D Drawing Numbered 597–464, more particularly described as surveyed land bordered on the north by Lot Numbered 10080, Machanao, east by Northwest Air Force Base, south by U.S. Naval Communication Station (Finegayan) and west by the sea containing a computed area of 125.50 acres, more or less. All of the above lands within the territory of Guam shall be under the administrative jurisdiction of the Department of the Navy.

The Virgin Islands. (1) The submerged lands as described in the Code of Federal Regulations revised as of July 1, 1974, cited as 33 CFR 207.817 areas "A" & "B", (2) the submerged lands seaward of the 100 fathom curve off the coast of St. Croix beginning at a point 17°40'30" N and ending at a point 17°46'30" North as depicted on Coast and Geodetic Survey Chart Numbered 25250, Third Edition; Tide: St. Croix, Virgin Islands Underwater Range, and (3) the submerged lands seaward of the Underwater Range Operational Control Center, St. Croix, Virgin Islands presently leased to the Department of the Navy and described as Plot #18 of Estate Sprat Hall subdivision, located in northside Quarter "A", St. Croix containing 4.84 acres of land. All of the above lands within the territory of the Virgin Islands shall be under the administrative jurisdiction of the Department of the Navy.

IN WITNESS WHEREOF, I have hereunto set my hand this first day of February, in the year of our Lord nineteen hundred seventy-five, and of the Independence of the United States of America the one hundred and ninety-ninth.

GERALD R. FORD

Proclamation 4348 • February 3, 1975

American Heart Month, 1975

By the President of the United States of America

A Proclamation

An estimated 28.5 million Americans suffer from some form of heart and blood vessel disease. These diseases cause more than one million deaths each year. Approximately twenty-five percent of these deaths occur among persons under age 65.

Although heart and blood vessel diseases still account for slightly more than half of all deaths each year in the United States, death rates from these disorders declined over the five-year period 1968–1973 (the most recent year for which reliable statistics are available).

This decline did not just happen. It has been achieved through the application of improved methods of prevention, diagnosis, and treatment that has grown out of an intensive and sustained research effort.

Over the years, two agencies have been the prime movers in the Nation's assault on the cardiovascular diseases. One is the National Heart and Lung Institute, an agency of the Federal Government; the other is the American Heart Association, a voluntary health organization that draws its operating funds from private contributions. For more than 25 years, the two organizations have worked hand-in-hand toward common goals: to search for and apply new or improved methods of prevention, diagnosis, and treatment for cardiovascular disorders; to support the training of research and clinical personnel in the cardiovascular field; to provide community service to victims of cardiovascular diseases; and to carry out programs of information and education on cardiovascular topics for health professionals and for the general public.

To encourage continuation of this combined assault on the cardiovascular diseases, the Congress has requested the President to issue annually a proclamation designating February as American Heart Month.

NOW, THEREFORE, I, GERALD R. FORD, President of the United States of America, do hereby proclaim the month of February 1975, as American Heart Month. And I invite the Governors of the States, the Commonwealth of Puerto Rico, and the officials of other areas subject to the jurisdiction of the United States, to heed the nation-

wide problem of heart and blood vessel diseases. Our support of programs to prevent premature death from cardiovascular diseases is essential to combat this leading menace to the Nation's health.

IN WITNESS WHEREOF, I have hereunto set my hand this third day of February, in the year of our Lord nineteen hundred seventy-five, and of the Independence of the United States of America the one hundred ninety-ninth.

GERALD R. FORD

Proclamation 4349 • February 6, 1975

1974 Census of Agriculture

By the President of the United States of America

A Proclamation

A periodic census of all the American people is required by the Constitution as the basis for apportioning representation in Congress. In addition, Congress has since 1840 provided for a special census of agriculture to periodically meet the Nation's requirements for reliable and timely statistics on this indispensable segment of our economy. USC prec. title 1.

The 1974 Census of Agriculture has just begun. Statistics for more than 2.5 million farms will be collected to provide measures of the farm industry and agricultural economy for the Nation, each State, and every county. These data will be aggregated for use by virtually every segment of American society—farmers and their representative groups, the Congress, Federal agencies, State and local governments, educational institutions, private businesses, and consumer organizations.

Under the statute authorizing this Census, receipients of census questionnaires are required to answer the questions in those questionnaires that apply to them, their families, and their farms to insure the accurate compilation of these statistics. The sole purpose of the Census is to secure general statistical information regarding agriculture and related resources of the country. No person can be harmed in any way by furnishing the information required. The Census has nothing to do with taxation or the enforcement of any National, State, or local law or ordinance. The Census Act expressly provides that there will be no public or private disclosure regarding any person or his affairs. To assure the due protection of the

rights and interests of the persons furnishing information, every employee of the Census Bureau is prohibited, under heavy penalty, from disclosing any information that may thus come to his knowledge.

NOW, THEREFORE, I, GERALD R. FORD, President of the United States of America, do hereby declare and make known that under the law it is the duty of every person from whom information is sought in connection with the 1974 Census of Agriculture to reply to the questions in the questionnaire.

Prompt, complete, and accurate responses to all official inquiries made by Census officials are of great importance to our country. Therefore, I ask affected Americans for their full cooperation in the 1974 Census of Agriculture.

IN WITNESS WHEREOF, I have hereunto set my hand this sixth day of February, in the year of our Lord nineteen hundred seventy-five, and of the Independence of the United States of America the one hundred and ninety-ninth.

GERALD R. FORD

Proclamation 4350 • February 6, 1975

Save Your Vision Week, 1975

By the President of the United States of America

A Proclamation

One of every twenty people in the United States suffers some degree of visual disability. Yet, many eye injuries and disorders could be prevented if Americans took greater care to preserve their vision. Simple measures, such as wearing protective goggles when engaged in hazardous activity, will help avoid eye injuries and save sight. Many disorders that impair vision or cause blindness can be arrested before the eyes become seriously damaged, if they are detected and treated early in their development. Even blindness can sometimes be cured. For example, 95 percent of the 5,000 Americans blinded or visually disabled by cataract, for whom surgery is recommended, could have their vision restored.

Researchers in the visual science are continually striving to reduce the toll of visual disability. Advances made in vision research, many of which

have been supported by the Federal Government through the National Eye Institute, and by several philanthropic organizations, can benefit many Americans if only we avail ourselves of them. The simplest way is by making eye examinations a routine part of health care through the professional guidance of ophthalmologists, optometrists, and opticians. All of us should know where to go in our communities for assistance in visual problems. We must be aware of preventive measures that can be taken at home, school, work, and play to protect our vision. We must learn the warning signals of serious eye problems so we know when to seek professional attention.

To encourage all of us to protect our vision and to care properly for our eyes, Congress, by joint resolution, approved December 30, 1963 (77 Stat. 629; 36 U.S.C. 169a), has requested the President to proclaim the first week in March of each year as Save Your Vision Week.

NOW, THEREFORE, I, GERALD R. FORD, President of the United States of America, do hereby designate the week of March 2 through March 8, 1975, as Save Your Vision Week. I urge all Americans to join in this observance by taking steps to assure eye safety and by making themselves aware of the vision care facilities available in their communities. I invite the appropriate officials of State and local governments to issue similar Proclamations.

I also invite the communications media, the health care professions, and all other agencies and individuals concerned with the improvement and preservation of vision, to join in public activities supporting programs to improve and protect the vision of Americans.

IN WITNESS WHEREOF, I have hereunto set my hand this sixth day of February in the year of our Lord nineteen hundred seventy-five, and of the Independence of the United States of America the one hundred ninety-ninth.

GERALD R. FORD

Proclamation 4351 • February 20, 1975

National Safe Boating Week, 1975

By the President of the United States of America

A Proclamation

Despite the need to conserve energy, there are still opportunities on our rivers, lakes, and coastal waters to enjoy sailing and other recreational boating. But these opportunities carry the responsibility of practicing safe boating by developing essential skills.

Recognizing the growth in recreational boating, the Congress, by joint resolution approved June 4, 1958 (72 Stat. 179; 36 U.S.C. 161), requested the President to proclaim annually the week which includes July 4th as National Safe Boating Week.

NOW, THEREFORE, I, GERALD R. FORD, President of the United States of America, do hereby designate the week beginning June 29, 1975, as National Safe Boating Week.

I urge all who utilize our waters, in the American tradition of fair play, to provide for the safety of other boaters, as well as themselves, by becoming equipped with basic boating safety knowledge. This information is readily available through numerous safe boating courses offered by governmental and private organizations, such as the United States Coast Guard, the United States Coast Guard Auxiliary, the United States Power Squadrons, the American Red Cross, and the various State agencies. All pleasure boat operators should take advantage of the many available boating safety courses. Only through education can we minimize boating accidents. I further urge all organizations offering boating safety instruction to reach into every possible related recreational area to encourage boating education.

I also invite the Governors of the States, the Commonwealth of Puerto Rico, the Virgin Islands, Guam, and American Samoa, and the Mayor of the District of Columbia to provide for the observance of this week.

IN WITNESS WHEREOF, I have hereunto set my hand this twentieth day of February, in the year of our Lord nineteen hundred seventy-five, and of the Independence of the United States of America the one hundred ninety-ninth.

GERALD R. FORD

Proclamation 4352 • **February 24, 1975**

Red Cross Month, 1975

By the President of the United States of America

A Proclamation

Since the first settlement on these shores, we Americans have worked together voluntarily to conquer problems and to care for one another in time of adversity. This neighbor-helping-neighbor approach is still with us today and is exemplified by an organization that has become known as the Good Neighbor—the American National Red Cross.

We can all be grateful that the Red Cross is here in time of need. When disasters occur, this Good Neighbor responds with quick and openhanded assistance to help the injured and homeless. When the need is blood, the Red Cross provides this precious fluid from volunteer donors to more than half of this nation's medical facilities. This Good Neighbor, through its first aid and water safety training programs, arms us with the knowledge and skill to save our own and the lives of others. Veterans and members of the military services, often separated far from their loved ones, also turn to the Red Cross for help in time of personal crisis.

The American Red Cross, governed both nationally and in our communities by boards made up of volunteers, is dependent upon each one of us for its existence. It is financed primarily by voluntary contributions and its services are made available largely through the work of volunteers.

Traditionally, March is Red Cross Month. During that month, more than half of the 3,100 Red Cross chapters will be asking Americans to be Good Neighbors by making contributions. In communities where the Red Cross is in partnership with United Way, these chapters will be asking us to lend our time and skills as volunteers in one of their many service programs.

NOW, THEREFORE, I, GERALD R. FORD, President of the United States of America, and Honorary Chairman of the American National Red Cross, do hereby designate March, 1975, as Red Cross Month.

IN WITNESS WHEREOF, I have hereunto set my hand this twenty-fourth day of February, in the year of our Lord nineteen hundred seventy-five, and of the Independence of the United States of America the one hundred ninety-ninth.

GERALD R. FORD

Proclamation 4353 • February 28, 1975

Amending Proclamation Nos. 4313 [1] and 4345 [2] To Further Extend the Application Period of the Program for the Return of Vietnam Era Draft Evaders and Military Deserters

By the President of the United States of America

A Proclamation

50 USC app. 462 note.

On September 16, 1974, I issued Proclamation No. 4313, announcing a program of earned return for those convicted and accused of violating certain provisions of the Selective Service Act or the Uniform Code of Military Justice during the Vietnam conflict. On January 30, 1975, I amended that Proclamation extending the date by which applications must be received until March 1, 1975.

50 USC app. 451.
10 USC 801 *et seq.*

Based on a further review of the progress of this program, I believe that many of those who have already been punished are only now learning they are eligible. This is confirmed by the large number of applications which continue to be filed with the Presidential Clemency Board. Therefore, I am again extending the date by which all applications must be received.

NOW, THEREFORE, I, GERALD R. FORD, President of the United States of America, pursuant to my powers under Article II of the Constitution, do hereby proclaim that Proclamation No. 4313 is hereby amended as follows:

USC prec. title 1.

SECTION 1. Paragraph (i) of Section 1 is amended to read as follows:

"presents himself to a United States Attorney before March 31, 1975."

SEC. 2. The first paragraph of Section 2 is amended by striking out the date "March 1, 1975," after the words "offenses directly related thereto if before" and inserting in place thereof "March 31, 1975,".

IN WITNESS WHEREOF, I have hereunto set my hand this 28th day of February, in the year of our Lord nineteen hundred seventy-five, and of the Independence of the United States of America the one hundred ninety-ninth.

GERALD R. FORD

[1] 39 FR 33293; 3A CFR, 1974 Comp., p. 68.
[2] *Supra.*

Proclamation 4354 • March 4, 1975

Loyalty Day, 1975

By the President of the United States of America

A Proclamation

It is now nearly two hundred years since America's Independence was sought and won. Then, as today, the achievement of our Nation's goals was met through the devoted efforts of Americans who gave loyal service.

The United States has become the greatest Nation in history because of the loyalty of our people to our Constitution, to our laws, and to those ideals which they represent.

The thousands who become citizens each year through naturalization take an oath to support the United States. One can sense the meaning and the spirit of loyalty in those proceedings. For most of us who were born to the freedoms we enjoy, a declaration of loyalty has not been such a conspicuous event in our lives. It is, nonetheless, reflected in our patriotic efforts.

In recognition of the need for "a special day for the reaffirmation of loyalty to the United States of America and for the recognition of the heritage of American freedom", the Congress, by a joint resolution of July 18, 1958 (72 Stat. 369, 36 U.S.C. 162), designated May 1 of each year as Loyalty Day, inviting the people of the United States to observe such day with appropriate ceremonies.

NOW, THEREFORE, I, GERALD R. FORD, President of the United States of America, do call upon the people of the United States and upon patriotic, civic, and educational organizations to observe Thursday, May 1, 1975, as Loyalty Day, with appropriate ceremonies.

I call upon appropriate officials of the Government to display the flag of the United States on all Government buildings on that day in testimony of our loyalty to this Nation.

IN WITNESS WHEREOF, I have hereunto set my hand this fourth day of March in the year of our Lord nineteen hundred seventy-five, and of the Independence of the United States of America the one hundred ninety-ninth.

GERALD R. FORD

Proclamation 4355 • March 4, 1975

Modifying Proclamation 3279,[1] as Amended, Relating to Imports of Petroleum and Petroleum Products, and Providing for the Long-Term Control of Imports of Petroleum and Petroleum Products Through a System of License Fees

By the President of the United States of America

A Proclamation

WHEREAS, I judge it necessary and consistent with the national security, taking into account the economic welfare of the Nation, that provision be made to defer scheduled increases in the fees applicable to imported petroleum and petroleum products for a period of two months; and

WHEREAS, it is my intention, that refiners located in territories of the United States, and in foreign trade zones, shall participate in the Mandatory Oil Import Program upon terms not less favorable than domestic refiners; and

WHEREAS, in order to facilitate such treatment, it is necessary that the Administrator of the Federal Energy Administration be authorized to determine at what point the oil import license fees effective February 1, 1975 shall be deemed to apply with respect to crude oil entered into such territories and zones; and

WHEREAS, I judge it necessary to permit a system for the receipt by Puerto Rico of sums equivalent to the license fees on petroleum consumed in Puerto Rico, to be appropriated by the Commonwealth for the benefit of individuals and corporations resident therein, comparable to the system which I have proposed for other parts of the United States;

NOW, THEREFORE, I, GERALD R. FORD, President of the United States of America, acting under and by virtue of the authority vested in me by the Constitution and the laws of the United States, including Section 232 of the Trade Expansion Act of 1962, as amended, do hereby proclaim that, effective as of February 1, 1975, Proclamation No. 3279, as amended, is hereby further amended as follows:

19 USC 1862.

19 USC 1862 note.

Section 1. Subparagraphs (iii), (iv), and (viii) of subparagraph (1) of paragraph (a) of section 3 are amended to read as follows:

[1] 24 FR 1781, 3 CFR, 1959–1963 Comp. p. 11.

"(iii) with respect to imports of crude oil, natural gas products, unfinished oils, and all other finished products (except ethane, propane, butanes, and asphalt) entered into the customs territory of the United States on or after February 1, 1975, there shall be a supplemental fee per barrel of $1.00, rising to $2.00 on imports entered on or after May 1, 1975, and to $3.00 on imports entered on or after June 1, 1975;

(iv) with respect to the fees imposed pursuant to paragraphs 3(a)(1)(i)–(iii), the amount of such fees shall be reduced, on a monthly basis, by an amount equal to any applicable duties paid less any drawbacks received during the same period, except that where duty drawbacks exceed the duty paid during that period, the net differences shall be applied to subsequent periods; provided that when the duty less drawbacks exceeds the fee imposed, the Administrator may provide that any excess may be used to reduce fees payable in subsequent months, such extended period not to exceed six months;

(viii) with respect to licenses issued pursuant to paragraph 3(a)(1)(iii) for imports other than (A) crude oil as defined for purposes of the Old Oil Allocation Program which is imported for refining or (B) products refined in a refinery outside of the customs territory as to which crude oil runs to stills would qualify a refiner to receive entitlements under the Old Oil Allocation Program, the Administrator may by regulation reduce the fee payable by the following amounts, or by such other amounts as he may determine to be necessary to achieve the objectives of this Proclamation and the Emergency Petroleum Allocation Act of 1973: 15 USC 751 note.

—for imports entered into the United States customs territory during the months of February, March and April, 1975, $1.00 per barrel;

—for imports entered during the month of May, 1975, $1.40 per barrel;

—for imports entered during the month of June, 1975, and thereafter, $1.80 per barrel."

Section 2. Paragraph (a) of Section 3 is amended by adding subparagraph (5) to read as follows: 19 USC 1862 note.

"(5) In order to ensure that refiners located in territories of the United States and in foreign trade zones are treated not less favorably than other United States refiners, the Administrator shall by regulation determine at what point crude oil, unfinished oils and finished products

shipped into United States territories and foreign trade zones shall become subject to the fees imposed pursuant to paragraphs 3(a)(1)(i)–(iii)."

19 USC 1862 note.

Section 3. Subparagraph (1) of paragraph (a) of Section 3 is amended by adding clause (x) to read as follows:

"(x) The Administrator shall by regulation reduce the fees payable by importers pursuant to paragraphs 3(a)(1)(i)–(iii) with respect to crude oil, unfinished oils, and finished products imported into Puerto Rico, or imported into Districts I–V and shipped to Puerto Rico, with or without further processing, and not shipped to Districts I–V, as crude oil, unfinished oils, or finished products, by the amount of any excise tax or other levy imposed and collected by the Government of Puerto Rico on such materials, *Provided* that refunds from or reductions in such excise tax or other levy are authorized in the same manner as are authorized with respect to payments prescribed by paragraphs 3(a)(1)(i)–(iii), *Provided further* that with respect to shipments to Puerto Rico from Districts I–V such shipments shall be deemed attributable to imported crude."

IN WITNESS WHEREOF, I have hereunto set my hand this fourth day of March, in the year of our Lord nineteen hundred seventy-five, and of the Independence of the United States of America the one hundred and ninety-ninth.

GERALD R. FORD

Proclamation 4356 • **March 20, 1975**

Earth Day, 1975

By the President of the United States of America

A Proclamation

The earth will continue to regenerate its life sources only as long as we and all the peoples of the world do our part to conserve its natural resources. It is a responsibility which every human being shares.

Energy problems have heightened our growing awareness of the interdependence of our natural resources. We must work together to solve the environmental issues associated with the proper use and preservation of those resources.

Through voluntary action, each of us can join in building a productive land in harmony with nature.

By a joint resolution, the Congress has pointed out the need to continue our environmental education and to promote a greater understanding of the environmental problems facing America.

NOW, THEREFORE, I, GERALD R. FORD, President of the United States of America, do hereby proclaim Friday, March 21, 1975, as Earth Day. I call upon all concerned citizens and government officials to observe this day with appropriate ceremonies and activities. I ask that special attention be given to personal voluntary activities and educational efforts directed toward protecting and enhancing our lifegiving environment.

IN WITNESS WHEREOF, I have hereunto set my hand this twentieth day of March, in the year of our Lord nineteen hundred seventy-five, and of the Independence of the United States of America the one hundred ninety-ninth.

GERALD R. FORD

Proclamation 4357 • March 25, 1975

Armed Forces Day

By the President of the United States of America

A Proclamation

For nearly two hundred years, in times of war and peace, the Armed Forces of the United States have served the Nation with courage and devotion. In this country, and throughout the world, those who wear the uniforms of the Army, Navy, Air Force, Marine Corps and Coast Guard are respected for their patriotic service.

It is fitting and proper that we set aside one day each year to pay tribute to these men and women.

NOW, THEREFORE I, GERALD R. FORD, President of the United States of America and Commander in Chief of the Armed Forces of the United States, continuing the precedent of my five immediate predecessors in this Office, do hereby proclaim the third Saturday of each May as Armed Forces Day.

I direct the Secretary of Defense on behalf of the Army, the Navy, the Air Force, and the Marine Corps, and the Secretary of Transportation on behalf of the Coast Guard, to plan for appropriate observances each year, with the Secretary of Defense responsible for soliciting the participation and cooperation of civil authorities and private citizens.

I invite the Governors of the States, the Commonwealth of Puerto Rico, and other areas subject to the jurisdiction of the United States, to provide for the observance of Armed Forces Day within their jurisdiction each year in an appropriate manner designed to enhance public understanding and appreciation of the Armed Forces of the United States.

I also invite national and local veterans, civic and other organizations to provide for the observance of Armed Forces Day each year.

I call upon my fellow Americans not only to display proudly the flag of the United States at their homes on Armed Forces Day, but also to avail themselves of the opportunity to further their knowledge of our Defense Establishment and of the men and women who constitute our real national strength, by attending and participating in the local observances of the day.

3A CFR, 1974 Comp., p. 24.

Proclamation No. 4276 of March 21, 1974, is hereby superseded.

IN WITNESS WHEREOF, I have hereunto set my hand this twenty-fifth day of March in the year of our Lord nineteen hundred seventy-five, and of the Independence of the United States of America the one hundred ninety-ninth.

GERALD R. FORD

Proclamation 4358 • **March 26, 1975**

Cancer Control Month, 1975

By the President of the United States of America

A Proclamation

Our intensive effort against cancer, sustained by the constant dedication and determination of scientists, physicians, public officials and private citizens, continues to provide hope and assistance to ever-increasing numbers of Americans.

The National Cancer Act of 1971 was a landmark piece of legislation which authorized new Federal support for cancer research. The amendments of 1974 have added new emphasis to our National Cancer Program, especially in the dissemination of the latest scientific findings from the research laboratory and clinic to practicing physicians, cancer patients, and those in particular jeopardy of cancer.

Despite this progress, the conquest of cancer will not be easy or quick. Cancer statistics remain depressing. An estimated 665,000 new cases will be diagnosed in 1975. Although we shall ultimately achieve victory over these killer diseases, it requires our unwavering support of cancer research and control.

As a means of giving continued emphasis to the cancer problem, the Congress, by a joint resolution of March 28, 1938 (52 Stat. 148, 36 U.S.C. 150), requested the President to issue annually a proclamation setting aside the month of April as Cancer Control Month.

NOW, THEREFORE, I, GERALD R. FORD, President of the United States of America, do hereby proclaim the month of April, 1975, as Cancer Control Month, and I invite the Governors of the States and the Commonwealth of Puerto Rico, and the appropriate officials of all other areas under the United States flag, to issue similar proclamations.

To give renewed emphasis to this serious problem, and to encourage the determination of the American people to meet it, I also ask the medical and health professions, the communications media, and all other interested persons and groups to unite in public reaffirmation of our Nation's abiding commitment to control cancer.

IN WITNESS WHEREOF, I have hereunto set my hand this 26th day of March, in the year of our Lord nineteen hundred seventy-five, and of the Independence of the United States of America the one hundred ninety-ninth.

GERALD R. FORD

Proclamation 4359 • March 28, 1975

Amending Proclamation No. 4346 [1] Relating to the Enlargement of the Buck Island Reef National Monument

By the President of the United States of America

A Proclamation

The boundaries of the Buck Island Reef National Monument were enlarged by Proclamation No. 4346 of February 1, 1975. The description of those lands contained a typographical error.

Ante, p. 2035.

NOW, THEREFORE, I, GERALD R. FORD, President of the United States of America, by virtue of the authority vested in me by Section 1(b)(vii) of Public Law 93–435 (88 Stat. 1210), and by virtue of the authority vested in me by Section 2 of the Act of June 8, 1906, 34 Stat. 225 (16 U.S.C. 431), and in order to correct a typographical error, do hereby amend the description of the lands described in Proclamation No. 4346 to read as follows:

48 USC 1705.

Beginning at latitude 17°47′30″ N, longitude 64°36′32″ W; thence approximately 1000 feet to latitude 17°47′27″ N, longitude 64°36′22″ W; thence approximately 900 feet to latitude 17°47′18″ N, longitude 64°36′22″ W; thence approximately 1000 feet to latitude 17°47′15″ N, longitude 64°36′32″ W; thence approximately 1500 feet to latitude 17°47′30″ N, longitude 64°36′32″ W, the place of beginning, embracing an area of approximately 30 acres.

IN WITNESS WHEREOF, I have hereunto set my hand this twenty-eighth day of March, in the year of our Lord nineteen hundred seventy-five, and of the Independence of the United States of America the one hundred ninety-ninth.

GERALD R. FORD

[1] *Supra.*

Proclamation 4360 • March 29, 1975

Terminating Registration Procedures Under the Military Selective Service Act, as Amended

By the President of the United States of America

A Proclamation

Under authority vested in the President by the Military Selective Service Act (62 Stat. 604), as amended, procedures have been established for the registration of male citizens of the United States and of other male persons who are subject to registration under section 3 of said act, as amended (85 Stat. 348). 50 USC app. 451. 50 USC app. 453.

In order to evaluate an annual registration system, existing procedures are being terminated and will be replaced by new procedures which will provide for periodic registration.

NOW, THEREFORE, I, GERALD R. FORD, President of the United States of America, by virtue of the authority vested in me by the Constitution and the statutes of the United States, including the Military Selective Service Act, as amended, do hereby revoke Proclamations No. 2799 of July 20, 1948, No. 2937 of August 16, 1951, No. 2938 of August 16, 1951, No. 2942 of August 30, 1951, No. 2972 of April 17, 1952, No. 3314 of September 14, 1959, and No. 4101 of January 13, 1972; thereby terminating the present procedures for registration under the Military Selective Service Act, as amended. 3 CFR, 1943-1948 Comp., p. 215. 3 CFR, 1949-1953 Comp., pp. 122, 124, 127, 155. 3 CFR, 1959-1963 Comp., p. 51. 50 USC app. 453 note.

IN WITNESS WHEREOF, I have hereunto set my hand this twenty-ninth day of March in the year of our Lord nineteen hundred seventy-five, and of the Independence of the United States of America the one hundred ninety-ninth.

GERALD R. FORD

Proclamation 4361 • April 2, 1975

National Farm Safety Week, 1975

By the President of the United States of America

A Proclamation

The demand for agricultural products is at an all-time high both here and abroad. In addition to supplying food for the tables of over 213 million Americans, America's farms and ranches are seen by many millions of people abroad as a source of nourishment. Our agricultural abundance is possible not only because of the blessings of fertile soil and advanced technology, but also because of the capable, hard-working, innovative people in whose hands these immense food and fiber resources are entrusted.

Maintenance of a high level of agricultural production is not without such impediments as shortages of some supplies needed for production, adverse weather and accidents. Farmers and ranchers may not be able to control shortages or nature. But they can do a great deal to control accidents which seriously injure and kill thousands of farm and ranch residents each year. Along with the human suffering and material losses to farm and ranch families, accidents handicap our efforts to feed and clothe our people and help alleviate hunger in the world. Maximum production will be possible only when accident numbers are reduced to a minimum.

NOW, THEREFORE, I, GERALD R. FORD, President of the United States of America, do hereby designate the week beginning July 25, 1975, as National Farm Safety Week. During this week and the ensuing year, I urge all who live and work on the Nation's farms and ranches to plan for accident prevention and to implement their plans with intelligence and resolve. Further, I invite all who work with and serve our agricultural producers to back these personal accident prevention efforts with every possible encouragement and educational aid. Any strategy to reap full production from our agricultural enterprises must include planning for the safety of those who live and work on our farms and ranches, not only when in the field but also when at home, at play or on the Nation's public roads.

IN WITNESS WHEREOF, I have hereunto set my hand this second day of April, in the year of our Lord nineteen hundred seventy-five, and

of the Independence of the United States of America the one hundred ninety-ninth.

GERALD R. FORD

Proclamation 4362 • April 5, 1975

World Trade Week, 1975

By the President of the United States of America

A Proclamation

America approaches the 200th anniversary of national independence at a time when events at home and abroad demonstrate the interdependence of the community of nations.

Interdependence and its impact on all Americans is particularly apparent in world trade.

Through world trade, Americans expand with others the flow of goods and services to all peoples and enhance the economic well-being of all countries. In so doing, we recommit the United States to an open world economic order and reconfirm our pledge to international peace and understanding.

The Congress of the United States underscored America's dedication to more free and fair international commerce with passage of the Trade Act of 1974. That act enables us to move toward multilateral negotiations that will open the way to improved access to foreign markets for American goods and to vital raw materials. 19 USC 2101.

In the face of economic stress at home, more exports mean more jobs for Americans, more purchasing power for America's consumers and more business for our manufacturers. Exports help us meet the swiftly rising cost of the energy we consume. They are the source of equilibrium in our balance of payments.

World trade joins nations in peaceful and creative partnership. It has greater significance today than ever before.

NOW, THEREFORE, I, GERALD R. FORD, President of the United States of America, do hereby proclaim the week beginning May 18, 1975, as World Trade Week, and I call upon all Americans to

cooperate in observing that week by participating with the business community and all levels of government in activities that emphasize the importance of world trade to the United States economy and to our relations with other nations.

IN WITNESS WHEREOF, I have hereunto set my hand this fifth day of April, in the year of our Lord nineteen hundred seventy-five, and of the Independence of the United States of America the one hundred ninety-ninth.

GERALD R. FORD

Proclamation 4363 • April 5, 1975

National Maritime Day, 1975

By the President of the United States of America

A Proclamation

Trade and commerce, which helped to stimulate our Nation's economic growth, continue to be vital to the welfare of all Americans.

The American merchant marine is now being assisted by the largest peacetime shipbuilding program ever undertaken in this country. This will enable America's imports and exports to be moved efficiently over the world's trade routes.

The ships of highly advanced designs coming down the ways will greatly improve the competitiveness and capabilities of our merchant fleet. They will restore the United States to the rank of a first-class maritime power.

To promote public recognition of the importance of the American merchant marine, the Congress in 1933 designated the anniversary of the beginning of the first transatlantic voyage by a steamship, The SAVANNAH, on May 22, 1819, as National Maritime Day, and requested the President to issue a proclamation annually in observance of that day (48 Stat. 73, 36 U.S.C. 145).

NOW, THEREFORE, I, GERALD R. FORD, President of the United States of America, do hereby urge the people of the United States to honor our American merchant marine on May 22, 1975, by

displaying the flag of the United States at their homes and other suitable places, and I request that all ships sailing under the American flag dress ship on that day.

IN WITNESS WHEREOF, I have hereunto set my hand this fifth day of April, in the year of our Lord nineteen hundred seventy-five, and of the Independence of the United States of America the one hundred ninety-ninth.

GERALD R. FORD

Proclamation 4364 • April 9, 1975

Law Day, U.S.A., 1975

By the President of the United States of America

A Proclamation

We cannot cherish justice and liberty unless we respect the law.

In order to preserve and strengthen our cherished freedoms, it is appropriate that we reaffirm the fundamental principle of justice through law for all Americans. We can do so in many ways and in many places—in the library and classroom, through grassroots civic and political work, and through a heightened awareness of the American system of law making and law enforcement. Let each of us reaffirm our devotion to and respect for the legal process without which neither life nor liberty would be secure.

Congress has requested that the first day of May of each year be proclaimed Law Day, U.S.A. (75 Stat. 43; 36 U.S.C. 164); and, that the American people be asked to celebrate that day in appreciation for the liberties we have acquired and preserved under the law.

NOW, THEREFORE, I, GERALD R. FORD, President of the United States of America, invite the people of the United States to observe Thursday, May 1, 1975, with appropriate programs and ceremonies, as Law Day, U.S.A. I especially urge that schools, libraries,

churches, civic and service organizations, public bodies, the courts, the legal profession and the communications media take the lead in sponsoring, participating in, and publicizing suitable observances throughout the Nation. And I call upon all public officials to display the flag of the United States on all government buildings on that day.

IN WITNESS WHEREOF, I have hereunto set my hand this ninth day of April in the year of our Lord nineteen hundred seventy-five, and of the Independence of the United States of America the one hundred ninety-ninth.

GERALD R. FORD

Proclamation 4365 • April 10, 1975

National Defense Transportation Day and National Transportation Week, 1975

By the President of the United States of America

A Proclamation

Throughout the history of the United States, our progress as a Nation has been closely tied to progress in the development of our transportation system. Generations of men and women who pioneered and developed the great networks by which we move goods and people today stand high in the ranks of those who have helped make America great.

As the Nation grew, so did its need for mobility. During the last century, this need was well served by expanding rail and water transportation systems. Today, the need is served by a broader range of systems. Motor vehicles and aircraft provide rapid access to every region.

There are still changing needs and new demands for the movement of our people and the goods they produce. Yesterday's methods may not be adequate to overcome the problem of congestion in many of our large

population centers. Also, fuels that have powered our transportation machinery in the past may not be sufficient to meet the demands of the future.

So, once again, we look to the people in our transportation industry to make the adjustments required by the changing times. We look to them with the confidence that they will perform as they have in the past and provide improvements that will ensure fast, safe, efficient, and convenient transportation.

In acknowledgement of the importance of our transportation system, the Congress, by a joint resolution approved May 16, 1957 (71 Stat. 30, 36 U.S.C. 160), requested the President to proclaim the third Friday in May of each year as National Defense Transportation Day, and, by a joint resolution approved May 14, 1962 (76 Stat. 69, 36 U.S.C. 166), requested the President to proclaim the week in which that Friday falls as National Transportation Week.

NOW, THEREFORE, I, GERALD R. FORD, President of the United States of America, do hereby designate Friday, May 16, 1975, as National Defense Transportation Day, and the week beginning May 11, 1975, as National Transportation Week.

I particularly urge that governors and other elected officials as well as the people of America join with the Department of Transportation in observing this week. It is an observance that is well deserved.

IN WITNESS WHEREOF, I have hereunto set my hand this tenth day of April in the year of our Lord nineteen hundred seventy-five, and of the Independence of the United States of America the one hundred ninety-ninth.

GERALD R. FORD

Proclamation 4366 • April 11, 1975

Pan American Day and Pan American Week

By the President of the United States of America

A Proclamation

Each year, we and other members of the Organization of American States celebrate our shared origins and the close ties that continue to flourish among us. To do this, we commemorate a significant event in the diplomatic history of the Western Hemisphere—the founding, late in the last century, of the International Union of the American Republics. This year marks the 85th anniversary of the establishment of that first inter-governmental regional organization and forerunner of the Organization of American States.

From its earliest days, the organization has taken for its two major objectives the maintenance of peace and the promotion of economic, social and cultural development in the Americas. The strength and longevity of inter-American cooperation in furtherance of these goals derives from its tested ability to evolve and reconstitute itself to meet new realities and new challenges over the years.

In the Americas, we have come to recognize the fresh challenge presented by a new interdependence, which is global as well as hemispheric, linking developed with less developed countries both in and beyond the hemisphere. We sense the opportunity for effective inter-American cooperation to advance our traditional goals of peace and progress for our hemisphere while strengthening the global cooperation decreed by our world.

NOW, THEREFORE, I, GERALD R. FORD, President of the United States of America, do hereby proclaim Monday, April 14, 1975, as Pan American Day, and the week beginning April 13, 1975, as Pan American Week, and I call upon the Governors of the fifty states, the Governor of the Commonwealth of Puerto Rico, and appropriate officials of all other areas under the flag of the United States to issue similar Proclamations.

IN WITNESS WHEREOF, I have hereunto set my hand this eleventh day of April, in the year of our Lord nineteen hundred seventy-five, and

of the Independence of the United States of America the one hundred ninety-ninth.

GERALD R. FORD

Proclamation 4367 • April 14, 1975

Small Business Week, 1975

By the President of the United States of America

A Proclamation

Small business has been a vital part of American life from the very beginning. The colonial traders, craftsmen and merchants of two centuries ago have been replaced by an enormous range of dealers in goods and services of all kinds, but the original opportunity, and the determination to excel, remain. Small business in America is still the free enterprise system's gateway to opportunity—the means by which millions of Americans continue to build a better life for themselves and their families.

Out of the estimated 9.7 million businesses in America today, more than 9 million are small. They account for nearly half of the gross business product and more than half of the business labor force. Our American success story could never have been achieved, and would not continue, without this impressive contribution by small business.

NOW, THEREFORE, I, GERALD R. FORD, President of the United States of America, do hereby designate the week beginning May 25, 1975, as Small Business Week. I ask all Americans to share with me during this week a solemn pride in the great achievements of our Nation's small business men and women, and in the contributions they have made to our free way of life.

IN WITNESS WHEREOF, I have hereunto set my hand this fourteenth day of April, in the year of our Lord nineteen hundred seventy-five, and of the Independence of the United States of America the one hundred ninety-ninth.

GERALD R. FORD

Proclamation 4368 • **April 22, 1975**

Mother's Day, 1975

By the President of the United States of America

A Proclamation

We Americans have traditionally set aside one day each year to give special honor to our mothers. In 1975, International Women's Year, this tribute takes on even greater significance.

Of the many occupations in which women serve today, one of the most demanding is that of being a mother. It is demanding not only because of the skills, knowledge and perseverance required, but because of the importance of success. There is no area of endeavor which can have a greater impact on our future than the care and guidance of our children and young people. It is appropriate that we observe Mother's Day in a manner which acknowledges our appreciation for our own mothers and our respect for all of those who perform this vital role in our society.

The Congress, by a joint resolution of May 8, 1914 (38 Stat. 770, 36 U.S.C. 141, 142), designated the second Sunday in May of each year as a day on which we honor all mothers for their countless contributions to their families, to their communities and to the Nation.

NOW, THEREFORE, I, GERALD R. FORD, President of the United States of America, do hereby request that Sunday, May 11, 1975, be observed as Mother's Day. I call upon government officials to display the flag of the United States on all government buildings, and I urge all citizens to display the flag at their homes and other suitable places on that day.

IN WITNESS WHEREOF, I have hereunto set my hand this twenty-second day of April, in the year of our Lord nineteen hundred seventy-five, and of the Independence of the United States of America the one hundred ninety-ninth.

GERALD R. FORD

Proclamation 4369 • **April 24, 1975**

Agreement on Trade Relations Between the United States of America and the Socialist Republic of Romania

By the President of the United States of America

A Proclamation

Pursuant to the authority vested in me by the United States Constitution, I, as President of the United States of America, acting through duly empowered representatives, entered into negotiation with duly empowered representatives of the Socialist Republic of Romania looking toward the conclusion of an agreement governing trade relations between the United States of America and the Socialist Republic of Romania; USC prec. title 1.

The aforesaid negotiations were conducted in accordance with the requirements of the Trade Act of 1974 (P.L. 93–618, January 3, 1975; 88 Stat. 1978); 19 USC 2101.

An "Agreement on Trade Relations between the United States of America and the Socialist Republic of Romania," including the annexes thereto, in the English and Romanian languages, was signed on April 2, 1975, by duly empowered representatives of the Governments of the United States of America and the Socialist Republic of Romania, respectively, and is hereto annexed; [1]

The said Agreement is in conformity with the requirements relating to bilateral commercial agreements as specified in section 405(b) of the Trade Act of 1974 (88 Stat. 1978, 2061); 19 USC 2435.

It is provided in Article XII of the said Agreement that it shall enter into force on the date of exchange of written notices of acceptance by the Governments of the United States of America and the Socialist Republic of Romania; and

It is provided in section 405(c) of the Trade Act of 1974 (88 Stat. 1978, 2061) that a bilateral commercial agreement providing nondiscriminatory treatment to the products of countries heretofore denied such treatment, and a proclamation implementing such agreement, shall take effect only if approved by the Congress by the adoption of a concurrent

[1] Filed with the Office of the Federal Register as part of the original document.

19 USC 2191.

resolution of approval, referred to in section 151 of the Trade Act of 1974 (88 Stat. 1978, 2001), of the extension of nondiscriminatory treatment to the products of the country concerned;

NOW, THEREFORE, I, GERALD R. FORD, President of the United States of America, acting under the authority vested in me by the Constitution and the statutes, including section 404(a) of the Trade Act of 1974, do hereby proclaim as follows:

USC prec. title 1.
19 USC 2434.

(1) This Proclamation shall become effective and said agreement shall enter into force according to its terms, and nondiscriminatory treatment shall be extended to the products of the Socialist Republic of Romania in accordance with the terms of the said Agreement, on the date of exchange of written notices of acceptance in accordance with Article XII of the said Agreement, all of the foregoing to follow the adoption by the House of Representatives and the Senate, in accordance with the procedures set forth in section 151 of the said Act, of a concurrent resolution of approval of the extension of nondiscriminatory treatment to the products of the Socialist Republic of Romania, to the end that the same and every part of the said Agreement may be observed and fulfilled with good faith by the United States of America and the citizens thereof and all other persons subject to the jurisdiction thereof as of the date of its entry into force; and

(2) General Headnote 3(e) of the Tariff Schedules of the United States is amended by deleting therefrom "Rumania" as of the effective date of this proclamation and a notice thereof shall be published in the Federal Register promptly thereafter.

IN WITNESS WHEREOF, I have hereunto set my hand this twenty-fourth day of April, in the year of our Lord one thousand nine hundred seventy-five, and of the Independence of the United States of America the one hundred ninety-ninth.

GERALD R. FORD

EDITORIAL NOTE: For the texts of the President's message to Congress and letter to the Speaker of the House and President of the Senate, dated Apr. 24, 1975, concerning the U.S.-Romanian trade agreement, see the Weekly Compilation of Presidential Documents (vol. 11, pp. 435, 437).

Proclamation 4370 • **April 30, 1975**

Modifying Proclamation No. 3279,[1] as Amended, Relating to Imports of Petroleum and Petroleum Products, and Providing for the Long-Term Control of Imports of Petroleum and Petroleum Products Through a System of License Fees

By the President of the United States of America

A Proclamation

WHEREAS, I judge it necessary and consistent with the national security that the Mandatory Oil Import Program maintain flexibility to accommodate evolving programs for discouraging importation into the United States of petroleum and petroleum products in such quantities or under such circumstances as threaten to impair the national security; and

WHEREAS, a temporary deferral of the scheduled increases in oil import license fees is appropriate in order to maintain such flexibility; and

WHEREAS, I intend to act within thirty days to increase the oil import license fees to their originally scheduled levels of $2 and $3 should alternative programs for discouraging imports not be formulated in a timely fashion or should such programs fail to protect adequately United States national security interests;

NOW, THEREFORE, I, GERALD R. FORD, President of the United States of America, acting under and by virtue of the authority vested in me by the Constitution and the laws of the United States, including Section 232 of the Trade Expansion Act of 1962, as amended, do hereby proclaim that, effective as of May 1, 1975, Proclamation No. 3279, as amended, is hereby further amended as follows:

USC prec. title 1.
19 USC 1862.

19 USC 1862 note.

SECTION 1. Clause (iii) of subparagraph (1) of paragraph (a) of Section 3 is amended to read as follows:

"(iii) with respect to imports of crude oil, natural gas products, unfinished oils, and all other finished products (except ethane, propane, butanes, and asphalt) entered into the customs territory of the United States on or after February 1, 1975, there shall be a supplemental fee per barrel of $1.00."

SEC. 2. Clause (viii) of subparagraph (1) of paragraph (a) of Section 3 is amended to read as follows:

[1] 24 FR 1781; 3 CFR, 1959–1963 Comp., p. 11.

"(viii) with respect to licenses issued pursuant to paragraph 3(a)(1)(iii) for imports other than (A) any material imported for refining that qualifies for inclusion in a refiner's crude oil runs to stills under the Old Oil Allocation Program or (B) products refined in a refinery outside of the customs territory as to which crude oil runs to stills would qualify a refiner to receive entitlements under the Old Oil Allocation Program, the Administrator may by regulation reduce the fee payable for imports entered on or after February 1, 1975, by $1.00 per barrel, except that the Administrator may reduce such fee by such other amounts as he may determine to be necessary to achieve the objectives of this Proclamation and the Emergency Petroleum Allocation Act of 1973."

15 USC 751 note.

IN WITNESS WHEREOF, I have hereunto set my hand this thirtieth day of April, in the year of our Lord nineteen hundred seventy-five, and of the Independence of the United States of America the one hundred and ninety-ninth.

GERALD R. FORD

Proclamation 4371 • May 1, 1975

Older Americans Month, 1975

By the President of the United States of America

A Proclamation

There is increasing awareness throughout America of the growing national resource represented by our older citizens. Their collective knowledge, experience, and energy can contribute significantly to raising the quality of life for all Americans.

As we approach our national Bicentennial, it is important to take special notice of older Americans. They have made and are making significant contributions to our Nation. It is fitting that we not lose sight of the continuing contributions this generation can make nor of our commitment as a society to meet their needs.

EDITORIAL NOTE: For the text of the President's letter to the Speaker of the House and the President of the Senate, dated Apr. 30, 1975, concerning administrative actions deferring oil import license fees and phasing out price controls on old oil, see the Weekly Compilation of Presidential Documents (vol. 11, p. 467).

The first White House Conference on Aging in 1961 produced a Senior Citizens Charter of Rights and Obligations. The second White House Conference on Aging, held in 1971, broadened that recognition and deepened our commitment to providing opportunities to our older citizens for maintenance of income and health and for self-realization and continuing usefulness. It is appropriate to update the Charter in the light of growing knowledge and recognition of the needs and abilities of our older citizens. People of all ages should join in the development of a Declaration of Rights and Obligations of Older Persons so that it can be proclaimed as part of our Bicentennial celebration.

NOW, THEREFORE, I, GERALD R. FORD, President of the United States of America, do hereby designate the month of May 1975 as Older Americans Month. I urge everyone to participate in the efforts to achieve the goal of proclaiming a new Declaration of Rights and Obligations for Older Persons, which can become a rallying point for our Nation during the Bicentennial year of 1976 and a guide to action during the years ahead.

IN WITNESS WHEREOF, I have hereunto set my hand this first day of May, in the year of our Lord nineteen hundred seventy-five, and of the Independence of the United States of America the one hundred ninety-ninth.

GERALD R. FORD

Proclamation 4372 • **May 7, 1975**

National Arthritis Month, 1975

By the President of the United States of America

A Proclamation

Arthritis, the oldest known chronic disease, is still the Nation's greatest crippler. This disease and related rheumatic disorders afflict more than 20 million people in the United States, at an annual cost of about $4 billion, and are exceeded only by heart disease as the most common chronic illness in the country today.

Recognition of this major public health problem and determination to combat it effectively have been demonstrated through the passage of the National Arthritis Act of 1974 by the United States Congress, which 42 USC 289c-1 note.

I was pleased to sign earlier this year. As this legislation makes plain, the total cost of arthritis must be counted not only in terms of dollars, but of human suffering and disability. Uncontrolled arthritis significantly decreases the quality of American life and has a negative economic, social, and psychological impact on the families of those afflicted.

We have learned a great deal through governmentally and privately supported research. Yet this disorder is not fully understood and it is not adequately controllable. We must meet the critical need for new research ideas and studies upon which advances in the area of arthritis treatment and prevention can be based. Our goal continues to be the eventual elimination of arthritis as a cause of human suffering and dire expense to our Nation.

NOW, THEREFORE, I, GERALD R. FORD, President of the United States of America, do hereby proclaim the month of May, 1975, as National Arthritis Month. I urge the people of the United States and educational, philanthropic, scientific, medical and health care organizations and professionals to advance the programs of our national effort to discover the cause and cures of arthritis and other rheumatic diseases and to alleviate the suffering of victims of these disorders.

IN WITNESS WHEREOF, I have hereunto set my hand this seventh day of May, in the year of our Lord nineteen hundred seventy-five, and of the Independence of the United States of America, the one hundred ninety-ninth.

GERALD R. FORD

Proclamation 4373 • **May 7, 1975**

Fixing Terminal Date Respecting Service in the Armed Forces Entitling Persons to Certain Veterans Benefits

By the President of the United States of America

A Proclamation

The Congress has provided that entitlement to certain veterans benefits be limited to persons serving in the Armed Forces during the period, beginning August 5, 1964, referred to as the Vietnam era. The President is authorized to determine the last day on which a person must have

entered the active military, naval, or air service of the United States in order for such service to qualify as service during that period.

The signing of the cease-fire agreements and implementing protocols on January 27, 1973, between the United States of America and the Republic of Vietnam, on the one hand, and the Democratic Republic of Vietnam and the Provisional Revolutionary Government of the Republic of South Vietnam on the other hand, has terminated active participation by the Armed Forces of the United States in the Vietnam conflict. 24 UST 115, 1699.

NOW, THEREFORE, I, GERALD R. FORD, President of the United States of America, by virtue of the authority vested in me by Section 101(29) of Title 38 of the United States Code, do hereby proclaim, for the purposes of said Section 101(29), that May 7, 1975, is designated as the last day of the "Vietnam era."

IN WITNESS WHEREOF, I have hereunto set my hand this seventh day of May in the year of our Lord nineteen hundred seventy-five, and of the Independence of the United States of America the one hundred ninety-ninth.

GERALD R. FORD

Proclamation 4374 • **May 10, 1975**

National Historic Preservation Week

By the President of the United States of America

A Proclamation

The state of today's world demonstrates the value of understanding and appreciating our origins and roots as a foundation for our present identity and our future hopes.

America's history lives throughout the Nation by the surviving examples of our man-made heritage—not only along the streets of our cities and towns but also in our rural areas. An indispensable element of the strength, the freedom and the constructive world leadership of this Nation is the

EDITORIAL NOTE: For the texts of the President's statement and letter to the Speaker of the House and President of the Senate, dated May 7, 1975, concerning the eligibility period for benefits to Vietnam era veterans, see the Weekly Compilation of Presidential Documents (vol. 11, pp. 498, 499).

knowledge and appreciation of our history, of who we are, where we are, and how we arrived here.

Loss of the essential evidence of our heritage in the name of progress continues to occur. However, the counteracting effect of the historic preservation effort is increasingly evident and effective in both the public and private sector. National Historic Preservation Week offers a timely opportunity to illustrate what has been done and what can be accomplished in the future to carry out our national resolve to preserve this heritage. This includes not only structures of national historic significance but, of equal importance, old homes, buildings, both commercial and industrial, hotels, taverns, theaters and railroad passenger stations. These can be recycled for contemporary private, public, cultural, commemorative and other uses.

Such uses of our historic man-made resources reflect our commitment to the enrichment of present and future generations of Americans, to preserve our historic past and to assure its enhancement and appreciation and to thus significantly contribute to the revitalization of rural, community and urban development.

NOW, THEREFORE, I, GERALD R. FORD, President of the United States of America, as requested by a joint resolution of Congress, do hereby proclaim the calendar week beginning May 12, 1975, as National Historic Preservation Week. I call upon Government agencies at all levels, interested private individuals, and concerned citizens to mark this observance with appropriate ceremonies and activities.

IN WITNESS WHEREOF, I have hereunto set my hand this tenth day of May, in the year of our Lord nineteen hundred seventy-five, and of the Independence of the United States of America the one hundred ninety-ninth.

GERALD R. FORD

Proclamation 4375 • **May 22, 1975**

Prayer for Peace Memorial Day May 26, 1975

By the President of the United States of America

A Proclamation

At the height of the Civil War, President Lincoln proclaimed at a battlefield cemetery "that we here highly resolve that these dead shall not have died in vain." Shortly after that tragic war, a day was set aside each year to honor those who gave their lives.

Over 100 years have passed since that simple but moving ceremony at Gettysburg. There have been many Memorial Days, and many more Americans have died in defense of what we believe in. As Thomas Paine said, "Those who would reap the blessings of freedom must . . . undergo the fatigue of supporting it." Today, because of the sacrifice and courage of American men and women, we are a free Nation at peace.

Let us dedicate ourselves today, and every day, to honoring those valiant Americans who died in service to their country. Let us gain strength from their sacrifice and devote ourselves to the peaceful pursuits which freedom allows and progress demands.

With faith in ourselves, future Memorial Days will find us still united in our purpose. Let us join together in working toward the greatest memorial we can construct for those who lay down their lives for us—a peace so durable that there will be no need for further sacrifices.

In recognition of those Americans to whom we pay tribute today, the Congress, by joint resolution of May 11, 1950 (64 Stat. 158), has requested that the President issue a Proclamation calling upon the people of the United States to observe each Memorial Day as a day of prayer for permanent peace and to designate a period during that day when the people of the United States might unite in prayer.

NOW, THEREFORE, I, GERALD R. FORD, President of the United States of America, do hereby designate Memorial Day, Monday, May 26, 1975, as a day of prayer for permanent peace, and I designate the hour beginning in each locality at 11 o'clock in the morning of that day as a time to unite in prayer.

I urge all of America's news media to assist in this observance.

I direct that the flag of the United States be flown at half-staff until noon on Memorial Day on all buildings, grounds, and naval vessels of the Federal Government throughout the United States and all areas under its jurisdiction and control.

I also call upon the Governors of the fifty States, the Governor of the Commonwealth of Puerto Rico, and appropriate officials of all local units of government to direct that the flag be flown at half-staff on all public buildings during the customary forenoon period; and I request the people of the United States to display the flag at half-staff from their homes for the same period.

IN WITNESS WHEREOF, I have hereunto set my hand this twenty-second day of May, in the year of our Lord nineteen hundred seventy-five, and of the Independence of the United States of America the one hundred ninety-ninth.

GERALD R. FORD

Proclamation 4376 • May 27, 1975

Father's Day, 1975

By the President of the United States of America

A Proclamation

Growing up has never been easy. We have all experienced moments of sorrow, disappointment, and frustration. And there have been times of joy and great satisfaction. For each of us, there have been special men along the way—men who cared.

They loved us and made us feel important. They helped provide for our needs. They took time to work and to play with us. And we often modelled ourselves after them.

These men who have given so much of themselves are our natural fathers, our foster fathers, our adoptive fathers and our big brothers. It is a fitting American tradition that once a year we pay a well-deserved tribute to these fathers of America.

NOW, THEREFORE, I, GERALD R. FORD, President of the United States of America, in accordance with a joint resolution of Congress (36 U.S.C. 142a), urge each American to observe Sunday, June 15, 1975, as Father's Day, with appropriate public and private expressions of the love and gratitude we bear for our fathers.

I call upon Government officials to display the flag of the United States on all Government buildings, and I invite the governments of the States and local communities to observe Father's Day with appropriate ceremonies.

IN WITNESS WHEREOF, I have hereunto set my hand this twenty-seventh day of May, in the year of our Lord nineteen hundred seventy-five, and of the Independence of the United States of America the one hundred ninety-ninth.

GERALD R. FORD

Proclamation 4377 • May 27, 1975

Modifying Proclamation No. 3279,[1] as Amended, Relating to Imports of Petroleum and Petroleum Products, and Providing for the Long-Term Control of Imports of Petroleum and Petroleum Products Through a System of License Fees

By the President of the United States of America

A Proclamation

WHEREAS, pursuant to the authority of Section 232 of the Trade Expansion Act of 1962, Proclamation No. 3279, as amended, was modified by Proclamation No. 4341 of January 23, 1975, in order to impose a system of supplemental license fees on imported petroleum and petroleum products; and

19 USC 1862 and note.
Ante, p. 2022.

WHEREAS, the system of supplemental license fees on imported petroleum and petroleum products was imposed pursuant to an investi-

[1] 24 FR 1781; 3 CFR, 1959–1963 Comp., p. 11.

gation and recommendation by the Secretary of the Treasury in accordance with the provisions of Section 232 of the Trade Expansion Act of 1962; and

19 USC 1862.

WHEREAS, the scheduled increases in the level of fees established by Proclamation No. 4341 were deferred by Proclamation No. 4370 of April 30, 1975, in order to afford Congress an opportunity to propose alternative programs for discouraging importation into the United States of petroleum and petroleum products in such quantities or under such circumstances as threaten to impair the national security; and

Ante, pp. 2022, 2065.

WHEREAS, such alternative programs have not been developed and are unlikely to be enacted in the near future; and

WHEREAS, I judge it necessary and consistent with the national security to reinstitute the originally scheduled increase in the supplemental fee to the level of $2.00 per barrel; and

WHEREAS, the Administrator of the Federal Energy Administration has recommended that certain other changes in the license fee system be made;

NOW, THEREFORE, I, GERALD R. FORD, President of the United States of America, acting under and by virtue of the authority vested in me by the Constitution and the laws of the United States, including Section 232 of the Trade Expansion Act of 1962, as amended, do hereby proclaim that, effective as of June 1, 1975, Proclamation No. 3279, as amended, is hereby further amended as follows:

USC prec. title 1.

19 USC 1862 note.

SECTION 1. (a) Clauses (iii), (iv), and (viii) of subparagraph (1) of paragraph (a) of Section 3 are amended to read as follows:

"(iii) with respect to imports of crude oil, natural gas products, unfinished oils, and all other finished products (except ethane, propane, butanes, and asphalt) entered into the customs territory of the United States on or after February 1, 1975, there shall be a supplemental fee per barrel of $1.00, rising to $2.00 on imports entered on or after June 1, 1975;

"(iv) with respect to the fees imposed pursuant to paragraphs 3(a)(1)(i)–(iii), the amount of such fees shall be reduced, on a monthly basis, by an amount equal to any applicable duties paid less any drawbacks received during the same period charged against imports made on or after February 1, 1975, except that where duty drawbacks exceed the duty paid during that period, the net differences shall be applied to subsequent periods; provided that when the duty less drawbacks

exceeds the fee imposed, the Administrator may provide that any excess may be used to reduce fees payable in subsequent months, such extended period not to exceed six months;

"(viii) with respect to licenses issued pursuant to paragraph 3(a)(1)(iii) for imports other than (A) any material imported for refining that qualifies for inclusion in a refiner's crude oil runs to stills under the Old Oil Allocation Program or (B) products refined in a refinery outside of the customs territory as to which crude oil runs to stills would qualify a refiner to receive entitlements under the Old Oil Allocation Program, the Administrator may by regulation reduce the fee payable by the following amounts, or by such other amounts as he may determine to be necessary to achieve the objectives of this Proclamation and the Emergency Petroleum Allocation Act of 1973; 15 USC 751 note.

—for imports entered into the United States customs territory during the months of February through May, 1975, $1.00 per barrel;

—for imports entered during the month of June, 1975, and thereafter, $1.40 per barrel."

(b) Paragraph (b) of Section 3 is amended by redesignating the existing paragraph (b) as (b)(1), and by adding a new paragraph (2) to read as follows: 19 USC 1862 note.

"(2) With respect to allocations and licenses issued prior to June 1, 1975, for which a bond was not required or with respect to which a bond was required in amounts less than the full amount of the fees imposed pursuant to this Proclamation, the Administrator may, by regulation, provide for such bonding procedures as he deems necessary."

SEC. 2. (a) Paragraph (c) of Section 5 is amended to read as follows:

"(c) The Administrator of the Federal Energy Administration may modify or alter the composition of the Appeals Board or abolish the Board and establish such other appellate procedures as he deems appropriate."

(b) A new paragraph (d) is added to Section 5 to read as follows:

"(d) The authority granted by this Section shall expire on April 30, 1980."

SEC. 3. Paragraph (1) of Section 11 is amended to read as follows:

"(1) The term 'imports' includes both entry for consumption and withdrawal from warehouse for consumption, but excludes unfinished oils and finished products processed in United States territories and foreign trade zones from crude oil produced in the United States."

IN WITNESS WHEREOF, I have hereunto set my hand this twenty-seventh day of May, in the year of our Lord nineteen hundred seventy-five, and of the Independence of the United States of America the one hundred ninety-ninth.

GERALD R. FORD

EDITORIAL NOTE: For the President's address to the Nation of May 27, 1975, on energy programs, see the Weekly Compilation of Presidential Documents (vol. 11, p. 563).

Proclamation 4378 • May 28, 1975

Flag Day and National Flag Week, 1975

By the President of the United States of America

A Proclamation

Two hundred years ago, American minutemen raised their muskets at the Old North Bridge. What Ralph Waldo Emerson called "the shot heard around the world" rang out. The American Revolution had begun. Two years later, while the outcome of the Revolutionary War remained in doubt, the Continental Congress met in Philadelphia on June 14, 1777, and approved the following resolution:

"Resolved, that the flag of the thirteen United States be thirteen stripes, alternate red and white: that the union be thirteen stars, white in a blue field, representing a new constellation."

That short and unadorned declaration gave birth to our flag. With the addition of thirty-seven stars, and after two centuries of history, the flag chosen in Philadelphia is our flag today, symbolizing our commitment as a people to freedom, equality, and independence.

To commemorate the adoption of our flag, the Congress, by a joint resolution of August 3, 1949 (63 Stat. 492, 36 U.S.C. 157), designated June 14 of each year as Flag Day and requested the President to issue annually a proclamation calling for its observance. The Congress also requested the President, by joint resolution of June 9, 1966 (80 Stat. 194, 36 U.S.C. 157a), to issue annually a proclamation designating the week in which June 14 occurs as National Flag Week and to call upon

all citizens of the United States to display the flag of the United States on those days.

This year, Flag Day is an especially historic occasion, since it is also the Bicentennial birthday of the United States Army. Two hundred years ago, on June 14, 1775, the Continental Congress adopted resolutions which in effect established the military units of New England as the official national army. By this action, the Continental Army was created and the Nation's military service was born. The U.S. Navy and the U.S. Marine Corps were established later that same year by the Continental Congress.

It is appropriate, as our Nation launches its Bicentennial commemoration, that the United States flag, first flown two centuries ago, be displayed together with an ensign bearing the official American Revolution Bicentennial Symbol set on a white field, which is designated as the official Bicentennial Flag.

NOW, THEREFORE, I, GERALD R. FORD, President of the United States of America, do hereby designate the week beginning June 8, 1975, as National Flag Week and I call upon the appropriate officials of the government to display the National Flag on all government buildings during that week. The heads of all government departments and agencies are also authorized and requested to provide, as they deem appropriate, for the flying of the official Bicentennial Flag, on government buildings, military installations, naval vessels, and other places where the United States flag is flown, during that period and for the remainder of the year 1975 and the entire year 1976. I urge all Americans to observe Flag Day, June 14, and Flag Week this year by flying the Stars and Stripes from their homes and other suitable places.

IN WITNESS WHEREOF, I have hereunto set my hand this twenty-eighth day of May, in the year of our Lord nineteen hundred seventy-five, and of the Independence of the United States of America the one hundred ninety-ninth.

GERALD R. FORD

Proclamation 4379 • June 12, 1975

National Day of Prayer, 1975

By the President of the United States of America

A Proclamation

As we begin the celebration of our Bicentennial, it is fitting to recall that it was a profound faith in God which inspired the Founders of our Nation. Two hundred years ago, on June 12, 1775, the Second Continental Congress called upon the inhabitants of all the Colonies to unite, on a designated Thursday in July, in "humiliation, fasting, and prayer." This was our first national day of prayer.

Americans on that day were asked to address their prayers to the "Great Governor of the World" to preserve their new Union and secure civil and religious liberties.

Those first prayers were answered in full measure. The Union survives. The liberties for which our forefathers prayed were never so secure as they are today. But material progress and human achievement often beckon mankind away from the spiritual virtues.

As we prepare to mark the 200th anniversary of the birth of our Nation, it is my fervent hope that Americans will not forget that it was prayer that helped to forge our freedoms and foster our liberties.

Let us now pray—as we have done throughout our history, and as the Congress has requested (66 Stat. 64)—for the wisdom to continue the American pilgrimage, striving toward a nobler existence for all humanity. Let us ask for the strength to meet the challenges that face our Nation. Let us give thanks to God for the many blessings granted to America throughout these two centuries. And let us express the hope that our lives may continue to be enriched by the grace of our Maker.

NOW, THEREFORE, I, GERALD R. FORD, President of the United States of America, do hereby proclaim Thursday, July 24, 1975, as National Day of Prayer, 1975.

I call upon all Americans to pray that day, each after his or her own manner and convictions, for unity and the blessings of Freedom throughout our land and for peace on earth.

IN WITNESS WHEREOF, I have hereunto set my hand this twelfth day of June, in the year of our Lord nineteen hundred seventy-five, and

of the Independence of the United States of America the one hundred ninety-ninth.

GERALD R. FORD

Proclamation 4380 • June 23, 1975

White Cane Safety Day, 1975

By the President of the United States of America

A Proclamation

The white cane is universally recognized as one of the simplest yet most effective aids to the independent mobility of the blind. Today, as blind persons are participating in the mainstream of active life, the white cane has also become a symbol of their capacity to contribute meaningfully to the progress of all Americans.

One of the most gratifying developments in our efforts to achieve better lives for all Americans is the advancement of social and economic opportunities for blind citizens. This growth is represented by the widening array of jobs capably handled by the blind. Well trained blind persons are working in nearly every trade, profession, and calling. Modern techniques of mobility and the increased use of the white cane have made this possible.

Still, as useful as the white cane is for helping the visually disabled person achieve self-reliance, it has its limitations. It cannot, for instance, warn of an approaching vehicle. Motorists and bicyclists should, therefore, be particularly alert for pedestrians using white canes and respond to their presence with an extra measure of care and caution.

In order that Americans may be made more fully aware of the significance of the white cane, and of the need for motorists and bicyclists to exercise caution and courtesy when approaching visually handicapped persons, the Congress, by joint resolution (78 Stat. 1003; 36 U.S.C. 169d), has authorized the President to proclaim October 15 of each year as White Cane Safety Day.

NOW, THEREFORE, I, GERALD R. FORD, President of the United States of America, do hereby proclaim Wednesday, October 15, 1975, as White Cane Safety Day. I call upon all Americans to exercise

understanding and awareness of the special needs of our fellow citizens who are visually handicapped in order that they may enjoy the greatest possible measure of personal independence and safety as they use our streets and public facilities.

IN WITNESS WHEREOF, I have hereunto set my hand this twenty-third day of June, in the year of our Lord nineteen hundred seventy-five, and of the Independence of the United States of America the one hundred ninety-ninth.

GERALD R. FORD

Proclamation 4381 • **June 27, 1975**

Captive Nations Week, 1975

By the President of the United States of America

A Proclamation

The history of our Nation reminds us that the traditions of liberty must be protected and preserved by each generation. Let us, therefore, rededicate ourselves to the ideals of our own democratic heritage. In so doing, we manifest our belief that all men everywhere have the same inherent right to freedom that we enjoy today. In support of this sentiment, the Eighty-sixth Congress, by a joint resolution approved July 17, 1959 (73 Stat. 212), authorized and requested the President to proclaim the third week in July of each year as Captive Nations Week.

NOW, THEREFORE, I, GERALD R. FORD, President of the United States of America, do hereby designate the week beginning July 13, 1975, as Captive Nations Week.

I call upon the people of the United States to observe this week with appropriate ceremonies and activities, and I urge rededication to the aspirations of all peoples for self-determination and liberty.

IN WITNESS WHEREOF, I have hereunto set my hand this twenty-seventh day of June, in the year of our Lord nineteen hundred seventy-five, and of the Independence of the United States of America the one hundred ninety-ninth.

GERALD R. FORD

Proclamation 4382 • **August 5, 1975**

Termination of Temporary Quantitative Limitation on the Importation into the United States of Certain Cattle, Swine and Pork from Canada

By the President of the United States of America

A Proclamation

WHEREAS, Proclamation No. 4335 of November 16, 1974, limiting imports into the United States of certain cattle, beef, veal, swine and pork from Canada, was issued pursuant to Section 252(a) of the Trade Expansion Act of 1962 (19 U.S.C. 1882(a)) in response to Canada's imposing unjustifiable restrictions on cattle and meat imports from the United States, said Proclamation inserting item numbers 945.01 through 945.04 into subpart B of part 2 of the Appendix to the Tariff Schedules of the United States (TSUS), and

3A CFR, 1974 Comp., p. 104.

19 USC 1202 note.

WHEREAS, Canada has now lifted those unjustifiable restrictions on cattle imports from the United States, and

WHEREAS, Section 255(b) of the Trade Expansion Act of 1962 (19 U.S.C. 1885(b)) authorizes the President to terminate in whole or in part any proclamation made pursuant to Section 252 of the Trade Expansion Act of 1962 (19 U.S.C. 1882(a)), and

WHEREAS, I deem it necessary and appropriate to terminate in part the restrictions proclaimed in Proclamation No. 4335, specifically those imposing temporary quantitative limitations on the importation into the United States of certain cattle, swine and pork from Canada, in order to encourage the resolution of trade disputes between the United States and Canada,

NOW, THEREFORE, I, GERALD R. FORD, President of the United States of America, acting under authority vested in me by the Constitution and statutes, including Section 255(b) of the Trade Expansion Act of 1962 (19 U.S.C. 1885(b)) do hereby proclaim that:

1) So much of Proclamation No. 4335 as proclaimed temporary quantitative limitations on the importation into the United States of certain cattle, swine, and pork from Canada is terminated.

2) Subpart B of part 2 of the Appendix to the TSUS is amended as follows:

(a) By deleting from the superior heading immediately preceding item 945.01 the following:

(i) "the cattle, the swine,"

(ii) ", or the pork"

(iii) "cattle, swine,"

(iv) "or pork, respectively,"

(b) By deleting items 945.01, 945.02, and 945.04.

3) This Proclamation is effective with respect to articles entered, or withdrawn from warehouse, for consumption after 12:01 a.m., EDT, August 7, 1975.

IN WITNESS WHEREOF, I have hereunto set my hand this fifth day of August, in the year of our Lord nineteen hundred and seventy-five, and of the Independence of the United States of America the two-hundredth.

GERALD R. FORD

Proclamation 4383 • **August 26, 1975**

Women's Equality Day, 1975

By the President of the United States of America

A Proclamation

In October 1971 and March 1972, the House of Representatives and the Senate of the United States adopted a proposed amendment to our Constitution providing equal rights for men and women. By August 26, 1972, twenty States had ratified the proposed constitutional amendment, only eighteen more were needed for the proposed amendment to become part of our Constitution.

USC prec. title 1.

August 26 is a significant date because it was on that day in 1920 that the Nineteenth Amendment, prohibiting discrimination on the basis of sex with regard to voting, was certified as part of our Constitution after ratification by the necessary three-fourths of the States. Recognizing that the proposed Equal Rights Amendment is the logical and rightful extension of the Nineteenth Amendment to rights other than voting, the President has, since 1972, annually set aside the 26th of August in recognition

of the real and practical need to ensure that equal legal rights are enjoyed by women and men.

This year, 1975, has been designated as International Women's Year, dedicated to equality between men and women. It is also the two-hundredth year of our Nation—a Nation born, nurtured and dedicated to the proposition that all people are entitled to be equal before the law.

Several more States need to ratify the Equal Rights Amendment before it becomes part of our Constitution. It would be most fitting for this to be accomplished during our Nation's two-hundredth year. In this Land of the Free, it is right, and by nature it ought to be, that all men and all women are equal before the law. USC prec. title 1.

NOW, THEREFORE, I, GERALD R. FORD, President of the United States of America, to remind all Americans that it is fitting and just to ratify the Equal Rights Amendment adopted by the Congress of the United States of America, in order to secure legal equality for all women and men, do hereby designate and proclaim August 26, 1975, as Women's Equality Day.

I call upon all the citizens of the United States to mark this day with appropriate activities, and I call upon those States who have not ratified the Equal Rights Amendment to give serious consideration to its ratification and the upholding of our Nation's heritage.

IN WITNESS WHEREOF, I hereunto set my hand this twenty-sixth day of August, in the year of our Lord nineteen hundred and seventy-five, and of the Independence of the United States of America the two-hundredth.

GERALD R. FORD

EDITORIAL NOTE: For the text of the President's message of Aug. 26, 1975, on Women's Equality Day, see the Weekly Compilation of Presidential Documents (vol. 11, p. 907).

Proclamation 4384 • August 27, 1975

Citizenship Day and Constitution Week, 1975

By the President of the United States of America

A Proclamation

Two hundred years ago, the men and women of the American Revolution pledged their lives, their fortunes, and their sacred honor in the struggle for independence, which ended September 3, 1783, with the signing of the Treaty of Paris. In breaking with the past, they did not neglect to build a better system for their posterity.

Today, we look back 200 years, not merely to take pride in our history; we look back during this Bicentennial to learn some practical lessons for today and tomorrow. As we pay tribute, let us renew together our Founding Fathers' pledge to our country—our lives, our fortunes, and our sacred honor. Let us always remember that freedom does not come free.

36 USC 153.

Congress, by a joint resolution of February 29, 1952, designated the 17th day of September of each year as Citizenship Day in commemoration of the formation and signing of the Constitution of the United States on September 17, 1787, and authorized the President to issue annually a proclamation calling upon officials of the Government to display the United States flag on all Government buildings on such day. By a joint

36 USC 159.

resolution of August 2, 1956, Congress authorized the President to designate the period beginning September 17 and ending September 23 of each year as Constitution Week and to issue a proclamation calling for the observance of such week.

NOW, THEREFORE, I, GERALD R. FORD, President of the United States of America, call upon appropriate Government officials to display the flag of the United States on all Government buildings on Citizenship Day, September 17, 1975—the 188th anniversary of the

USC prec. title 1.

signing of the Constitution. I urge Federal, State, and local officials, as well as leaders of civic, educational and religious organizations, to conduct appropriate ceremonies and programs on that day.

I also designate as Constitution Week the period beginning September 17 and ending September 23, 1975, and urge all Americans to observe that week with appropriate ceremonies and activities in their schools, churches and in other suitable places in order to foster a better under-

standing of the Constitution, and of the rights and responsibilities of United States citizens. USC prec. title 1.

IN WITNESS WHEREOF, I have hereunto set my hand this twenty-seventh day of August, in the year of our Lord nineteen hundred and seventy-five, and of the Independence of the United States of America the two-hundredth.

GERALD R. FORD

Proclamation 4385 • September 8, 1975

National Hispanic Heritage Week, 1975

By the President of the United States of America

A Proclamation

Men and women of Hispanic origin—Mexican Americans, Puerto Ricans, Cubans and other Spanish Speaking Americans—have contributed significantly to the growth of America. They have served with courage and distinction in our Armed Forces. In endeavors as varied as music, architecture, medicine, law, education, literature and religion, Hispanic-Americans have contributed wisdom, beauty and spiritual strength.

No manner of tribute to our country's Hispanic heritage could be more appropriate in this Bicentennial year than to acknowledge the importance of the Spanish contribution to the success of our own War of Independence. Spanish-led military forces protected the Colonies' southern front and kept the Mississippi River open for navigation and the delivery of supplies to the Americans in the southwest. Don Bernardo de Galvez, Spanish Captain General and Governor of Spanish Louisiana, led these successful campaigns and, in 1781, captured the heavily fortified city of Pensacola from the British.

The assistance to our Revolution from Galvez and the Hispanic troops he commanded has not always received the recognition it deserved in our history books. But the name Galvez has enjoyed commemoration through the Texas city we know as Galveston.

We can look forward to discovering other contributions from the Hispanic civilization so long and well established in our land and from the millions of Americans of Hispanic origin who enrich our society.

36 USC 169f. The Congress, by a joint resolution approved September 17, 1968 (82 Stat. 848), requested that a period in September be annually designated in recognition of that heritage.

NOW, THEREFORE, I, GERALD R. FORD, President of the United States of America, do hereby designate the week beginning September 14, 1975, as National Hispanic Heritage Week. I call upon the people of the United States, especially the educational community, to observe that week with appropriate ceremonies and activities.

IN WITNESS WHEREOF, I have hereunto set my hand this eighth day of September, in the year of our Lord nineteen hundred seventy-five, and of the Independence of the United States of America the two hundredth.

GERALD R. FORD

Proclamation 4386 • **September 8, 1975**

Norwegian-American Day, 1975

By the President of the United States of America

A Proclamation

One hundred and fifty years ago, 47 men, women and children arrived in New York harbor aboard the Norwegian sloop "Restaurationen." Although Norway's links to the New World date back to the 11th century, when Norse mariners led by Leif Erikson discovered Vinland, the arrival of the "Restaurationen" on October 9, 1825, marked the beginning of an important new era in the histories of both Norway and America.

The small group of debarking emigrants were the first of thousands—the earliest wave in a tide of settlers and pioneers who would help to tame a savage wilderness, clear the prairies and cultivate the soil.

Whole new communities would be founded by these Norwegian Americans. Their folklore, music, religious and ethnic traditions were to enrich the cultural heritage of the American people.

In 1975, as we observe the bicentennial of American independence, it is also fitting that we mark the 150th anniversary of the arrival of that first group of settlers from Norway, and express our thanks for the gifts of industry, character and love of the land that they brought with them to their new homes.

NOW, THEREFORE, I, GERALD R. FORD, President of the United States of America, do hereby proclaim Thursday, October 9, 1975, as Norwegian-American Day in recognition of the enormous contributions Americans of Norwegian ancestry have made, and continue to make, to our Nation and our way of life.

IN WITNESS WHEREOF, I have hereunto set my hand this eighth day of September, in the year of our Lord nineteen hundred seventy-five, and of the Independence of the United States of America the two-hundredth.

GERALD R. FORD

Proclamation 4387 • **September 9, 1975**

Fire Prevention Week, 1975

By the President of the United States of America

A Proclamation

The United States can ill-afford to continue to see its resources devoured by ruinous fires. The personal suffering and loss of life, and the destruction of our national wealth and production capabilities, are a needless drain on our Nation. We need to eliminate it.

A recent Bureau of Census survey of household fires indicates that annually one in every sixteen households has a fire which does or could have disastrous results. Most of these fires are avoidable—caused by needless and careless acts. Our national goal should be to achieve an annual reduction in fire deaths, injuries and property losses, cutting those losses in half within a generation. Every American can and must help to prevent these fires.

The business community has a special responsibility to provide fire-safe products. Builders, architects and engineers have a responsibility to pro-

vide fire-safe places in which to work and live. Local governments have a responsibility to enact and enforce adequate codes and encourage good fire prevention practices. And fire departments have important responsibilities in providing strong fire prevention programs in their communities, as well as to fight fires and save lives when all else fails.

NOW, THEREFORE, I, GERALD R. FORD, President of the United States of America, do hereby designate the week beginning October 5, 1975, as Fire Prevention Week. I call upon each individual and family to participate in the programs of Fire Survival and Exit Drills In The Home to assure safe evacuation in emergencies; and for businesses to conduct year-round fire prevention to include emphasis of on-and-off-the-job applications of fire safety practices.

I also call upon the National Fire Protection Association, members of the Joint Council of National Fire Service Organizations, and other fire safety organizations to join with the National Fire Prevention and Control Administration in providing leadership and materials for a national fire prevention effort.

Local community and fire department organizations are asked to provide the direction and support necessary to assure that each home and business is invited to participate in Fire Prevention Week activities; and Federal agencies are asked to provide an example for the Nation by communicating fire-safe practices to all employees, and by cooperating in State and local activities.

IN WITNESS WHEREOF, I have hereunto set my hand this ninth day of September, in the year of our Lord nineteen hundred seventy-five, and of the Independence of the United States of America the two hundredth.

GERALD R. FORD

Proclamation 4388 • September 10, 1975

Columbus Day, 1975

By the President of the United States of America

A Proclamation

On October 13, we honor the great Italian navigator whose historic westward voyage blazed the way for the settlers from many lands who followed to build a new world.

Our admiration for the achievement of Christopher Columbus has not dimmed over the span of nearly five centuries. Sailing in the service of the Spanish Crown, whose vision and support made his journey possible, Columbus pursued his dream in the face of enormous challenges with an unshakable courage and faith that set an example for future generations of Americans.

We can all take great pride, as we look forward to our Bicentennial celebrations, in honoring the memory of the epic accomplishments of Christopher Columbus which led to the development of the Americas and the founding of this great Nation.

In tribute to the achievement of Columbus, the Congress of the United States, by joint resolution approved April 30, 1934 (48 Stat. 657, 36 U.S.C. 146), as modified by the Act of June 28, 1968 (82 Stat. 250, 5 U.S.C. 6103(a) and note), requested the President to proclaim the second Monday in October of each year as Columbus Day.

NOW, THEREFORE, I, GERALD R. FORD, President of the United States of America, do hereby designate Monday, October 13, 1975, as Columbus Day; and I invite the people of this Nation to observe that day in schools, churches and other suitable places with appropriate ceremonies in honor of the great explorer.

I also direct that the flag of the United States be displayed on all public buildings on the appointed day in memory of Christopher Columbus.

IN WITNESS WHEREOF, I have hereunto set my hand this tenth day of September, in the year of our Lord nineteen hundred seventy-five, and of the Independence of the United States of America the two hundredth.

GERALD R. FORD

Proclamation 4389 • September 10, 1975

Veterans Day, 1975

By the President of the United States of America

A Proclamation

Of all of the important days to be celebrated during America's Bicentennial, none is more worthy of special observance than Veterans Day. Had not the patriotic men and women, to whom we pay deserved and grateful tribute on Veterans Day, heard and answered freedom's call during the past 200 years, there would be no American Bicentennial of freedom.

From Lexington and Concord in 1775 to the present, these courageous, selfless patriots served and sacrificed and died so that their fellow-citizens could live under a government that still is in the full tide of successful experiment and still is the world's best hope.

It is both fitting and proper that a legal holiday, designated by the Congress (5 U.S.C. 6103(a)), be set aside to honor our veterans.

NOW, THEREFORE, I, GERALD R. FORD, President of the United States of America, do hereby invite and urge you, my fellow-Americans, to observe Monday, October 27, 1975, as Veterans Day. I commend public ceremonies as well as private contemplation as a meaningful expression of gratitude to our veterans for the priceless heritage of freedom which they have bequeathed to us.

I suggest that disabled veterans in Veterans Administration hospitals throughout the country will welcome and appreciate a Veterans Day visit. And I ask that you help to evidence America's special concern for our returned Vietnam era veterans by making Veterans Day, 1975, the beginning of a renewed personal effort to assist these deserving Americans in achieving the fullest and fastest possible readjustment to civilian life.

Finally, I call upon the appropriate officials of Government to arrange for the display of the flag of the United States on this day. I request officials of Federal, State and local governments to support its observance and I urge schools, churches, unions and civic and patriotic organizations to participate in appropriate public ceremonies throughout the country.

IN WITNESS WHEREOF, I have hereunto set my hand this tenth day of September, in the year of our Lord nineteen hundred seventy-five, and of the Independence of the United States of America the two hundredth.

GERALD R. FORD

Proclamation 4390 • September 11, 1975

National Saint Elizabeth Seton Day

By the President of the United States of America

A Proclamation

Among the most important elements of America's Bicentennial observance—and of everyday American life for nearly 200 years—is the religious heritage of our Nation, rich in its diversity and its quality.

The singular devotion, faith and courage of such servants of God as Elizabeth Ann Seton give life to that heritage and inspiration to us all.

On Sunday, September 14, 1975, His Holiness Pope Paul VI will confer upon "Mother Seton," as she is known to millions of Roman Catholics, the rites of canonization. From that day, Mother Seton will be Saint Elizabeth Seton, the first American-born saint of the Roman Catholic Church.

Born in New York more than 200 years ago, Mother Seton was content in her early years to live the common life of the 18th century woman. But tragedy entered her life, leaving her a widow at a young age and with five children. Moving to Emmitsburg, Maryland, she turned to the work of her church, took the vows of a nun and later founded the Sisters of Charity of St. Joseph, an order of nuns devoted to teaching.

Mother Seton established the first parochial school in America, the foundation for an educational system that has brought the priceless gift of knowledge to millions of Americans, including a multitude of newly arrived immigrants whom Mother Seton and her followers instructed in the language and the ways of their new homeland.

For her devout faith and diligent service in the Kingdom of God, her church is bestowing its highest honor on Mother Seton on September 14, 1975.

For her service to her country, we, as a Nation, and believers in many faiths, also have just cause to honor the memory of Mother Seton on that special day.

NOW, THEREFORE, I, GERALD R. FORD, President of the United States of America, in accordance with Senate Joint Resolution 125, do hereby designate Sunday, September 14, 1975, as National Saint Elizabeth Seton Day, and call for such memorials and other observances as are appropriate to the occasion.

89 Stat. 477.

IN WITNESS WHEREOF, I have hereunto set my hand this eleventh day of September, in the year of our Lord nineteen hundred seventy-five, and of the Independence of the United States of America the two-hundredth.

GERALD R. FORD

Proclamation 4391 • September 15, 1975

General Pulaski's Memorial Day, 1975

By the President of the United States of America

A Proclamation

One hundred and ninety-six years ago, Casimir Pulaski, a Polish patriot in exile, gave his life in the struggle for American independence.

General Pulaski came to the United States in 1777, when barely 30 years of age, to join George Washington's Revolutionary Army. He served with great distinction at Brandywine and was promoted by the Continental Congress to the rank of Brigadier General. He commanded a cavalry division and later organized an independent corps of cavalry and light infantry which won acclaim as Pulaski's Legion. In October, 1779, during the Battle of Savannah, he was mortally wounded while leading his cavalry unit in a daring charge.

It is appropriate to commemorate General Pulaski's heroic sacrifice in the cause of freedom.

NOW, THEREFORE, I, GERALD R. FORD, President of the United States of America, do hereby designate Saturday, October 11, 1975, as General Pulaski's Memorial Day, and I direct the appropriate

Government officials to display the flag of the United States on all Government buildings on that day.

I also invite the people of the United States to observe the day with appropriate ceremonies in honor of the memory of General Pulaski and his dedication to the defense of liberty.

IN WITNESS WHEREOF, I have hereunto set my hand this fifteenth day of September, in the year of our Lord nineteen hundred seventy-five, and of the Independence of the United States of America the two-hundredth.

GERALD R. FORD

Proclamation 4392 • September 15, 1975

Leif Erikson Day, 1975

By the President of the United States of America

A Proclamation

The United States has been fortunate in the two hundred years of its independence to welcome friendly visitors from all over the earth. Many of those newcomers came to stay and to help make our land the free and prosperous nation that it is today. Many others visited our shores in earlier centuries, among them the daring Norse explorer, Leif Erikson, and, his intrepid crew.

The spirit of adventure and search for new horizons which brought Leif Erikson to this continent has led succeeding generations of Americans to the greatest of accomplishments. In honoring this great Norwegian, we honor all those who came to our land and enriched the history of the United States.

In a joint resolution approved September 2, 1964 (78 Stat. 849, 36 U.S.C. 169c), the Congress authorized the President to proclaim October 9 in each year as Leif Erikson Day.

NOW, THEREFORE, I, GERALD R. FORD, President of the United States of America, do hereby designate Thursday, October 9, 1975, as Leif Erikson Day, and I call upon appropriate Government officials to display the flag of the United States on Government buildings that day.

I also call upon the people of the United States to hold appropriate ceremonies in honor of the memory of Leif Erikson on that day, and to take this opportunity to renew their knowledge of the early history of our continent.

IN WITNESS WHEREOF, I have hereunto set my hand this fifteenth day of September, in the year of our Lord nineteen hundred seventy-five, and of the Independence of the United States of America the two hundredth.

GERALD R. FORD

Proclamation 4393 • September 15, 1975

National School Lunch Week, 1975

By the President of the United States of America

A Proclamation

The success of the National School Lunch Program—now in its 29th year—reaffirms those qualities which we, as a people, have exhibited for the past 200 years.

Our awareness, our concern, our willingness to work together for a common good have preserved and enriched this Nation. Today, these same qualities are ensuring the health and well-being of our country's children and youth.

The National School Lunch Program is a product of the awareness and cooperation of parents, teachers and civic groups. It is also an outstanding example of cooperation between people at Federal, State and local levels.

Recognizing the importance of their activities and the good which this program does our Nation, Congress, by a joint resolution of October 9, 1962 (76 Stat. 779, 36 U.S.C. 168), designated the week beginning the second Sunday in October each year as National School Lunch Week. The President has been requested to annually issue a proclamation calling for observance of that week.

NOW, THEREFORE, I, GERALD R. FORD, President of the United States of America, do hereby urge the people of the United States

to observe the week of October 12, 1975, as National School Lunch Week and to give special attention to activities which will focus on good nutrition for our young people.

IN WITNESS WHEREOF, I have hereunto set my hand this fifteenth day of September, in the year of our Lord nineteen hundred seventy-five, and of the Independence of the United States of America the two hundredth.

GERALD R. FORD

Proclamation 4394 • September 15, 1975

National Employ the Handicapped Week, 1975

By the President of the United States of America

A Proclamation

America offers a promise that all its people who are willing and qualified to work shall have an equal opportunity to do so. Elimination of many discriminatory barriers has moved us closer toward the fulfillment of that promise. For our handicapped citizens, however, much more needs to be done.

The barriers facing the handicapped are not so much their own disabilities, but the attitudes of the non-handicapped toward their disabilities.

Those of us who are not handicapped think of what we could not do if we lost an arm or a leg, lost our sight or our voice, or were disabled in some other way. We often forget that the handicapped are thinking of what they can do.

We must learn to think like them—positively! We must look not at what they cannot do, but at what they can do. We must look beyond the disability to the positive ability.

The disabled can perform a wide range of jobs with skill and efficiency. They do not need special jobs. They need the opportunity to compete, to prove that they can perform.

The Congress has recognized our special responsibility to the handicapped and, by a joint resolution approved August 11, 1945, as amended (36 U.S.C. 155), has asked the President to issue a suitable proclamation.

NOW, THEREFORE, I, GERALD R. FORD, President of the United States of America, do hereby designate the week beginning October 5, 1975, as National Employ the Handicapped Week.

I call upon the Governors of the States, mayors and other public officials, and leaders of industry, labor, education, religious, veteran, farm, scientific, professional and other groups to join with the handicapped themselves in making the American people aware of the value and fairness of employing handicapped men and women.

Also, I call upon all employers to review and broaden their policies toward the employment of the handicapped.

IN WITNESS WHEREOF, I have hereunto set my hand this fifteenth day of September, in the year of our Lord nineteen hundred seventy-five, and of the Independence of the United States of America the two hundredth.

GERALD R. FORD

Proclamation 4395 • September 18, 1975

National Hunting and Fishing Day, 1975

By the President of the United States of America

A Proclamation

The great natural resources which belong to America meant survival to our forefathers. The abundance of fish and wildlife enabled the early settlers to withstand the first winters. Later this abundance helped pioneers to make their way across the continent.

Today, our outdoor sportsmen help to assure the survival of our natural resources. Hunters and fishermen contribute to the preservation and protection of America's fish and wildlife through their voluntary conservation efforts and by providing millions of dollars for restoration programs, acquisition and maintenance of habitat and supportive research. These funds come through the purchase of licenses and excise taxes on sporting equipment.

In recognition of the significant contributions by American hunters and fishermen, to dramatize the continued need for gun and boat safety and to promote the conservation of our resources, the Congress, by Senate

Joint Resolution 34, has requested the President to declare the fourth Saturday of September 1975 as National Hunting and Fishing Day. 89 Stat. 478.

NOW, THEREFORE, I, GERALD R. FORD, President of the United States of America, do hereby designate Saturday, September 27, 1975, as National Hunting and Fishing Day.

IN WITNESS WHEREOF, I have hereunto set my hand this eighteenth day of September, in the year of our Lord nineteen hundred seventy-five, and of the Independence of the United States of America the two hundredth.

GERALD R. FORD

Proclamation 4396 • September 24, 1975

Child Health Day, 1975

By the President of the United States of America

A Proclamation

In the years since 1928, when Child Health Day was first proclaimed, our concept of health has acquired new dimensions. No longer do we consider health merely the timely treatment and cure of illness. Health now encompasses the prevention of those conditions which can lead to illness.

Scientific technology and medical research have given us many new tools to help in the essential tasks of preventing illness or conditions which can cripple. Thanks to vaccines which have been developed in recent decades, poliomyelitis is no longer the widespread crippler it once was. Children can now be protected against measles and the risk of death or brain damage resulting from this disease. Immunization against rubella not only protects young children, but also protects pregnant women from contracting the disease and risking the mental health of their unborn children.

Future challenge includes prevention of such divergent problems as birth abnormality, the battered child syndrome and the teen-age alcoholic, drug addict or criminal.

In our Bicentennial year as a Nation, we are charting a course for the future that will enable us to complete the American dream. We can be certain that future scientific discoveries will help to control and conquer other conditions which now cripple or otherwise handicap children. For the present, each of us must resolve to apply the knowledge and the means now at hand for the fullest protection of our children's health.

As an expression of its concern, the Congress, by joint resolution (36 U.S.C. 143), has asked the President to designate the first Monday in October as Child Health Day.

NOW, THEREFORE, I, GERALD R. FORD, President of the United States of America, do proclaim Monday, October 6, 1975, as Child Health Day.

I ask American parents on Child Health Day this year to place special emphasis on ensuring protection for their children against all diseases for which safe and effective vaccines are now available.

I call upon all citizens, agencies and organizations interested in child welfare to promote and observe appropriate activities, especially those which emphasize the preventive immunizations so necessary for proper health care.

IN WITNESS WHEREOF, I have hereunto set my hand this twenty-fourth day of September, in the year of our Lord nineteen hundred seventy-five, and of the Independence of the United States of America the two hundredth.

GERALD R. FORD

Proclamation 4397 • **October 2, 1975**

Japan-United States Friendship Days

By the President of the United States of America

A Proclamation

Their Majesties, the Emperor and Empress of Japan will officially begin their State visit to the United States of America on October 2, 1975. This visit which extends through October 13, 1975 will be the first State visit to the United States of America by a reigning Emperor of Japan. The State visit of the Emperor and Empress of Japan openly

symbolizes the close ties of friendship, goodwill and common goals to which the Japanese and American people are dedicated. Their visit will contribute immeasurably to mutual understanding and respect between the United States of America and Japan.

We warmly welcome Their Majesties to our country.

NOW, THEREFORE, I, GERALD R. FORD, President of the United States of America, do hereby designate the period beginning October 2, 1975, through October 13, 1975, as Japan-United States Friendship Days.

I call upon the people of the United States and interested groups and organizations to observe this period with appropriate ceremonies and activities.

IN WITNESS WHEREOF, I have hereunto set my hand this second day of October, in the year of our Lord nineteen hundred seventy-five, and of the Independence of the United States of America the two hundredth.

GERALD R. FORD

Proclamation 4398 • **October 2, 1975**

World Law Day, 1975

By the President of the United States of America

A Proclamation

Recognizing the need to destroy the discriminatory barriers of legal inequality which confront women throughout the world, the United Nations General Assembly proclaimed 1975 as International Women's Year.

At home, the President, by Proclamation No. 4262, set aside the year 1975 as International Women's Year in the United States, and, by Executive Order No. 11832, created a National Commission on the Observance of International Women's Year. In 1972, the Congress adopted a proposed constitutional amendment which would ensure the equality of men and women before the law. If a few more States ratify

3A CFR, 1974 Comp., p. 6.

3A CFR, 1975 Comp., p. 106.

that proposed amendment, it will become a fitting constitutional heritage of our Bicentennial era.

Our efforts at home have been linked with those of other nations. This year, citizens of the United States participated in the world Conference on International Women's Year held in Mexico City on June 19 through July 2, 1975, to develop guidelines for a sustained, long-term effort to achieve the objectives of International Women's Year.

Also this year, members of our Nation's legal profession will be joined by lawyers, professors, and jurists from more than one hundred nations during the week of October 12, 1975, at a World Law Conference, under the auspices of the World Peace Through Law Center, held in our Nation's capital. The agenda of the World Law Conference will deal with a host of international legal issues, ranging from the role of multinational companies to laws governing oil pollution at sea.

The theme of the World Law Conference is the achievement of legal equality between men and women. A portion of the agenda will be devoted to discussing the elimination of discrimination against women.

The President of the United States, along with the leaders of other nations, for more than a decade has encouraged the significant international efforts represented by these World Law Conferences. With its theme of legal equality between men and women, it is fitting, during this International Women's Year, to do so again.

NOW, THEREFORE, I, GERALD R. FORD, President of the United States of America, do hereby designate Sunday, October 12, 1975, as World Law Day in the United States.

I call upon all Americans, men and women, especially members of the legal, educational and religious communities, to give recognition to the importance of law in our Nation's international quest for peace, human dignity and equality before the law for women and men.

IN WITNESS WHEREOF, I have hereunto set my hand this second day of October, in the year of our Lord nineteen hundred seventy-five, and of the Independence of the United States of America the two hundredth.

GERALD R. FORD

Proclamation 4399 • October 3, 1975

National Forest Products Week, 1975

By the President of the United States of America

A Proclamation

Among our Nation's most valuable and unique natural resources are its forests—valuable because of the numerous uses for wood products from forests, unique because this resource is renewable. As with any resource, forest products must be used efficiently and with foresight.

Progress is being made to utilize this resource more thoroughly. Forestry research is discovering how to use wood more efficiently in construction; it is finding ways to use all of every log harvested; it is investigating the chemical properties which might be tapped to replace products now made from nonrenewable resources; it is looking into the possibilities of using wood so gasoline and oil supplies can be extended.

Our forests are vast, but we are making strenuous demands on them. With our needs rapidly expanding, there is danger our present forest production will soon be incapable of satisfying the demands made on it. Fortunately, we know our forests can, under proper management, be regrown perpetually at a rate equal to, or even greater than, the rate at which trees are used.

We have much of the knowledge and technology to expand our forests productively. We must dedicate ourselves to expanding our public and private forests as well as to managing better the forest lands we now have. This requires the close cooperation of business, industry, government and the individual citizen. A giant step was taken with the passage in 1974 of the Forest and Rangeland Renewable Resources Planning Act. It requires an assessment of our present and potential supply and demand for all forest products and preparation of a proposed program to meet future demands. It requires us to plan and act today to meet the needs of tomorrow.

16 USC 1601 note.

To recognize the importance of forest resources and forest products to the Nation, the Congress has, by joint resolution of September 13, 1960 (74 Stat. 898), designated the seven-day period beginning the third Sunday of October each year as National Forest Products Week, and has

36 USC 163.

requested the President to issue an annual proclamation calling for the observance of that week.

NOW, THEREFORE, I, GERALD R. FORD, President of the United States of America, do hereby call upon the people of the United States to observe the week beginning October 19, 1975, as National Forest Products Week, with activities and ceremonies designed to direct public attention to our forest resources which have benefited us materially and spiritually and which we must act to preserve.

IN WITNESS WHEREOF, I have hereunto set my hand this third day of October, in the year of our Lord nineteen hundred seventy-five, and of the Independence of the United States of America the two hundredth.

GERALD R. FORD

Proclamation 4400 • **October 13, 1975**

United Nations Day, 1975

By the President of the United States of America

A Proclamation

Each year, throughout the world, nations commemorate October 24 as United Nations Day. This year is the 30th Anniversary of the United Nations Charter. Originally with 51 nations as members, the United Nations today includes 141 nations, thus membership is nearly universal.

59 Stat. 1031.

The primary purpose of the United Nations is to maintain international peace and security. Had the work of the organization included nothing more than its efforts for peace in the Middle East—through truce observers, emergency forces, and mediation services—it would have justified its existence. But its record of achievement is far greater, and it continues to face new tasks with skill and imagination.

Today, the United Nations is adjusting to the new realities of economic interdependence. At the Seventh Special Session of the United Nations General Assembly in September of this year, great progress was made toward reaching agreements through which the interests of all nations—less developed as well as developed—can be promoted through coopera-

tive action. In the field of economic development, as in peacekeeping, the United Nations has proved its usefulness to all its members.

The United Nations also has accelerated its efforts to stress the individual rights of women and the need to use their talents for the progress of society. By its designation of 1975 as "International Women's Year" the United Nations has recognized the importance of women's increasing contributions to the cause of peace and friendly relations among the Nations of the world.

3A CFR, 1974 Comp., p. 6.

Many important tasks are still before the United Nations. These include agreements on Law of the Sea, procedures to eliminate torture and efforts to control debilitating diseases. We cannot be satisfied until great progress has been made in these and other areas of international concern.

I ask the American people to look at the United Nations with true perspective—neither exaggerating its accomplishments nor ignoring its shortcomings, but seeing clearly its record and its potential for constructive action in the best interests of the United States and of all other members.

NOW, THEREFORE, I, GERALD R. FORD, President of the United States of America, do hereby designate Friday, October 24, 1975, as United Nations Day. I urge the citizens of this Nation to observe that day with community programs that will promote the United Nations and its affiliated agencies.

I have appointed H. J. Haynes to be United States National Chairman for United Nations Day and, through him, I call upon State and local officials to encourage citizens' groups and all agencies of communication to engage in appropriate observances of United Nations Day in cooperation with the United Nations Association of the United States of America and other interested organizations.

IN WITNESS WHEREOF, I have hereunto set my hand this thirteenth day of October, in the year of our Lord nineteen hundred seventy-five, and of the Independence of the United States of America the two hundredth.

GERALD R. FORD

Proclamation 4401 • October 18, 1975

Drug Abuse Prevention Week, 1975

By the President of the United States of America

A Proclamation

The spread of drug abuse across the country continues to threaten the quality of our national life by destroying individual lives, dividing families and disrupting the social structures of our cities and communities.

The economic cost alone, in terms of lost productivity, narcotics-related crime and drug abuse prevention programs, is estimated to be in excess of $10 billion a year. The toll of human suffering is beyond measure.

The Federal Government, with the cooperation of States, municipalities and concerned community groups, has made marked progress in the last six years. Together, we have reduced both the supply and demand for drugs through vigilant law enforcement and humane treatment and rehabilitation programs. But, unfortunately, the prevalence and incidence of drug abuse remains high. Cities which only two years ago were reporting a decline in heroin use are now reporting an increase, and the demand for treatment continues to rise. These signs must be read realistically as clear signals of danger ahead. This danger is of such national significance that we must dedicate ourselves anew to the task of safeguarding the country against the consequences of drug abuse.

An important focus for our effort must be on developing the self-esteem which is the key to preventing drug abuse and other forms of destructive behavior. Prevention programs which address the broad developmental needs of children and youth and which respond to all the favorable social factors that affect young people offer the best promise of helping solve a range of youth problems, including drug abuse.

Successful prevention programs, however, cannot function in isolation. Experience has taught us that in all programs where prevention efforts have been successful, the local community has been a vital part of program planning, management and financial support.

NOW, THEREFORE, I, GERALD R. FORD, President of the United States of America, do hereby designate and proclaim the week beginning October 19, 1975, as Drug Abuse Prevention Week, 1975.

I call upon officials of every level of government, upon educators, medical professionals, communicators, upon business communities, our civic groups, the churches and their clergy, and upon all who bear the trust of community leadership to rededicate themselves during this designated week to the prevention of drug abuse in America.

I ask for a coordinated community response in the conduct of drug prevention programs. Where that coordinated response exists, let us reaffirm it, and where it is absent, let us build it.

IN WITNESS WHEREOF, I have hereunto set my hand this eighteenth day of October, in the year of our Lord nineteen hundred seventy-five, and of the Independence of the United States of America the two hundredth.

GERALD R. FORD

Proclamation 4402 • October 25, 1975

Country Music Month, October 1975

By the President of the United States of America

A Proclamation

Country music—that uniquely American art form—holds a special place in our society. Its stories of struggle, of patience, of patriotism, of love won and lost—all set to music as distinctive and eloquently simple as any in the world—give pleasure and inspiration to millions of Americans.

Because country music plays such a significant role in American life, because its stars and its fans alike represent the very heart of America, it is particularly fitting that we as a Nation pay tribute to this very special kind of music. In doing so, we honor the hundreds of talented people who make that music, and the millions more who enjoy it.

NOW, THEREFORE, I, GERALD R. FORD, President of the United States of America, designate October 1975 as Country Music Month, and encourage all Americans to commemorate this designation with suitable observances.

IN WITNESS WHEREOF, I have hereunto set my hand this twenty-fifth day of October, in the year of our Lord nineteen hundred seventy-

five, and of the Independence of the United States of America the two hundredth.

GERALD R. FORD

Proclamation 4403 • October 25, 1975

National Parkinson Week, 1975

By the President of the United States of America

A Proclamation

Of all the illnesses threatening our older citizens, Parkinson's disease is one of the most devastating. One in forty Americans past middle age may be afflicted. The human as well as monetary costs are virtually incalculable.

Ten years ago, when the first proclamation of National Parkinson Week was issued and signed into law, a diagnosis of Parkinson's disease was usually accompanied by advice to the family that little could be done. Today, there is much that can be done, and prospects are steadily improving. Advances in drug treatment have put many disabled workers back on the job and have enabled many retirees to live their normal lives. For some, the change has been a real miracle.

However, the battle is not over. Drugs can control the symptoms of Parkinson's disease, but they do not cure or arrest it. Since the cause is still unknown, prevention is not possible. Scientists are working constantly to find the cause. We must support them so the spectacular research momentum of the past ten years can be sustained.

NOW, THEREFORE, I, GERALD R. FORD, President of the United States of America, do hereby proclaim the week of October 26, 1975, as National Parkinson Week. I urge physicians, scientists and government and private agencies concerned with Parkinson's disease to sponsor activities designed to inform every American of the need to continue the struggle and the need of their support.

I invite the Governors of the States and appropriate local government officials to support National Parkinson Week activities, and I urge the Nation's mass communications media to join in encouraging all Americans to heed the message.

IN WITNESS WHEREOF, I have hereunto set my hand this twenty-fifth day of October, in the year of our Lord nineteen hundred seventy-five and of the Independence of the United States of America the two hundredth.

GERALD R. FORD

Proclamation 4404 • October 28, 1975

Wright Brothers Day, 1975

By the President of the United States of America

A Proclamation

On December 17, 1903, near Kitty Hawk, North Carolina, two brothers made the first successful flight in a heavier-than-air, mechanically propelled airplane they had designed and built after years of experimentation.

Through ingenuity and courage, Orville and Wilbur Wright revolutionized transportation. In the 72 years since their epic flight, aviation and space technology has contributed to closer ties among the peoples of the world by inspiring their imagination, promoting commerce and encouraging travel.

To commemorate the historic achievements of the Wright brothers, the Congress, by a joint resolution of December 17, 1963 (77 Stat. 402, 36 U.S.C. 169), designated the seventeenth day of December of each year as Wright Brothers Day and requested the President to issue annually a proclamation inviting the people of the United States to observe that day with appropriate ceremonies and activities.

NOW, THEREFORE, I, GERALD R. FORD, President of the United States of America, do hereby invite the people of this Nation, and their local and national government officials, to observe Wright Brothers Day, December 17, 1975, with appropriate ceremonies and activities, both to recall the accomplishments of the Wright brothers and to provide a stimulus to aviation in this country and throughout the world.

IN WITNESS WHEREOF, I have hereunto set my hand this twenty-eighth day of October, in the year of our Lord nineteen hundred seventy-

five, and of the Independence of the United States of America the two hundredth.

GERALD R. FORD

Proclamation 4405 • November 4, 1975

Thanksgiving Day, 1975

By the President of the United States of America

A Proclamation

Two hundred years ago the frontier colonies of America braced for a long and determined conflict with the strongest military power in the world. The petition of our Founding Fathers for redress of their grievances had been rejected by King and Parliament, and the people of America began the struggle from which emerged this great Nation.

Our Nation is the oldest continuously surviving republic in the world. For 200 years our freedoms have been questioned, challenged, tested and reinforced. These freedoms have shaped our destiny and served as a beacon to other peoples. Our Nation draws its strength from people of every creed, of every color, of every race—native Americans and people from every nation in the world who for two centuries have come to share in the rewards and responsibilities of our American Republic.

On the eve of our 200th year, Thanksgiving Day should be a day of special reflection upon the qualities of heart, mind and character of the men and women who founded and built our great Nation. Let us join in giving thanks for our cultural pluralism. Let us celebrate our diversity and the great strengths that have come from sharing our traditions, our ideas, our resources, our hopes and our dreams. Let us be grateful that for 200 years our people have been dedicated to fulfilling the democratic ideal—dedicated to securing "liberty and justice for all."

NOW, THEREFORE, I, GERALD R. FORD, President of the United States of America, in accord with Section 6103 of Title 5 of the United States Code, do hereby proclaim Thursday, November 27, 1975, as a day of national thanksgiving.

Let each of us, in his own way, join in expressing personal gratitude for the blessings of liberty and peace we enjoy today. In so doing, let us

reaffirm our belief in a dynamic spirit that will continue to nurture and guide us as we prepare to meet the challenge of our third century.

I call upon all Americans on this day to gather with family and friends in homes and places of worship and join in offering gratitude for this Nation's countless blessings. I ask that we share with our senior citizens and with those less fortunate than ourselves this special day that brings us all closer together.

IN WITNESS WHEREOF, I have hereunto set my hand this fourth day of November, in the year of our Lord nineteen hundred seventy-five, and of the Independence of the United States of America the two hundredth.

GERALD R. FORD

Proclamation 4406 • November 4, 1975

Emergency Medical Services Week, 1975

By the President of the United States of America

A Proclamation

Each week more than a thousand Americans die as a result of accidents, heart attacks and other medical emergencies because emergency assistance is not available.

For many years, physicians and health professionals have urged improved national services and facilities for emergency medical care. Since 1968, pursuant to the publication of Standard 11, "Emergency Medical Services" in accordance with the Highway Safety Act of 1966, the Department of Transportation has been engaged actively in improving Emergency Care at the onset of the emergency and in transit to more definitive care. In 1973, the Congress passed the "Emergency Medical Services Systems Act of 1973" to create an additional national thrust toward the goal of improved total emergency care.

23 USC 401 note.

42 USC 300d note.

Now two Federal agencies, the Department of Transportation and the Department of Health, Education, and Welfare, are working closely with States and communities to improve medical emergency services. Although many cities enjoy satisfactory services, the great majority of

our communities, especially in rural areas, still require considerable improvement.

NOW, THEREFORE, I, GERALD R. FORD, President of the United States of America, do hereby designate the week beginning November 3 as Emergency Medical Services Week.

I call upon the Governors and Mayors and all other State and local officials to assist hospital administrators and physicians, fire departments, public safety agencies and all ambulance services in improving emergency medical services.

I call upon Federal agencies, especially the Departments of Transportation and Health, Education, and Welfare to continue, with renewed vigor, their assistance to States and communities in accelerating efforts to help those in need of emergency medical assistance.

I call upon all our people to lend their support to these efforts. We are a traveling nation and none of us knows when we might need help far from home.

Let us affirm that this national legislation is only the beginning of our effort to upgrade and perpetuate this part of our total health care system so no individual in this country will lack help whenever or wherever he needs it.

IN WITNESS WHEREOF, I have hereunto set my hand this fourth day of November, in the year of our Lord nineteen hundred seventy-five and of the Independence of the United States of America the two hundredth.

GERALD R. FORD

Proclamation 4407 • November 4, 1975

National Farm-City Week, 1975

By the President of the United States of America

A Proclamation

Our Nation, nurtured on individual self-reliance, began as a rural society. Through two centuries, it has developed into primarily an urban society of great cities.

This growth has firmly established an interdependence between farm and city, which is greater today than it was two hundred years ago. Although farmers and ranchers comprise less of our population than in the past, their production of food has more than kept pace with our fundamental needs. This capability to produce our plentiful food supply is, in turn, dependent upon the efforts of those in urban centers to provide the goods and services which our farmers and ranchers need.

It is appropriate to remember and renew our understanding of this continuing partnership between farm and city. Only out of this working partnership will our country achieve new abundance and prosperity in the future.

NOW, THEREFORE, I, GERALD R. FORD, President of the United States of America, do hereby designate the period November 21 through November 27, 1975, as National Farm-City Week.

I request interested persons to join with agricultural organizations, business and labor groups, youth and community groups, schools and others to focus attention upon the interrelationships which exist among the constructive labors of all individuals, whether on the farm or in the city.

I urge the Department of Agriculture, educational institutions and other organizations and governmental agencies and officials to mark the significance of National Farm-City Week with special study, public meetings, exhibits and other appropriate activities in the public interest.

IN WITNESS WHEREOF, I have hereunto set my hand this fourth day of November, in the year of our Lord nineteen hundred seventy-five, and of the Independence of the United States of America the two hundredth.

GERALD R. FORD

Proclamation 4408 • **November 5, 1975**

Bill of Rights Day
Human Rights Day and Week, 1975

By the President of the United States of America

A Proclamation

As the United States of America looks forward to the two hundredth anniversary of our Nation's independence next July, it is appropriate that we pause and reflect on the principles of self-government that underlie our society and continue to nourish it.

USC prec. title 1.

Embodied in our great national documents—the Declaration of Independence, the Constitution and the Bill of Rights—are the imperishable ideas that all men are created equal, that they are endowed with unalienable rights of life, liberty, and the pursuit of happiness, and that it is the people of the United States themselves who have ordained and established the government which serves us all.

The Founding Fathers could not foresee in detail the threats to liberty that might arise as the Republic grew, but they had the wisdom to know that threats would appear and that the people must be protected against them. When the new Constitution was being discussed in 1787, Thomas Jefferson complained in a letter to James Madison of the absence of a Bill of Rights, saying: "Let me add that a bill of rights is what the people are entitled to against every government on earth, general or particular; and what no just government should refuse, or rest on inferences."

Madison became convinced of the need for a Bill of Rights and wrote Jefferson: "The political truths declared in that solemn manner acquire by degrees the character of fundamental maxims of free government, and as they become incorporated with the National sentiment, counteract the impulses of interest and passion." In the First Congress, Madison, the principal proponent of those amendments to the Constitution known as the Bill of Rights, defended them in these words: "If they are incorporated into the constitution, independent tribunals of justice will consider themselves in a peculiar manner the guardians of those rights; they will be an impenetrable bulwark against every assumption of power in the legislative or executive. . . ."

This has truly been our national experience. So also in the international community have we come to respect and rely on the Universal Declara-

tion of Human Rights as a fundamental statement of principles reaffirming faith in the dignity and worth of the human person and in the equal rights of men and women as the foundation of freedom, justice and peace in the world.

On December 15 we mark the one hundred eighty-fourth anniversary of the adoption of the Bill of Rights and on December 10 we observe the twenty-seventh anniversary of the Universal Declaration. It is fitting that in 1975, which is International Women's Year, we should recognize especially the contributions of women to political and social progress and underline our commitment to remove promptly such barriers that still remain in the way of their full participation in our Nation's life.

NOW, THEREFORE, I, GERALD R. FORD, President of the United States of America, do hereby proclaim December 10, 1975, as Human Rights Day and December 15, 1975, as Bill of Rights Day. I call upon the American people to observe the week beginning December 10, 1975, as Human Rights Week. Further, I urge all Americans during the coming bicentennial year to contemplate the principles of liberty and justice enunciated in the Bill of Rights and the Universal Declaration of Human Rights and to draw on them as the best means to assure our Nation's continued progress.

IN WITNESS WHEREOF, I have hereunto set my hand this fifth day of November, in the year of our Lord nineteen hundred seventy-five, and of the Independence of the United States of America the two hundredth.

GERALD R. FORD

Proclamation 4409 • November 10, 1975

American Education Week, 1975

By the President of the United States of America

A Proclamation

Our schools are no better than we make them. They can provide a solid educational foundation for our children. They can provide a training ground for leadership development. They can offer an opportunity for expanded technical knowledge and cultural enrichment through con-

tinued education. They can become a center for community involvement. But the future our schools provide is in large measure dependent upon our involvement.

We must be concerned for our sake, for our children's sake and for the future of our Republic. This Nation's greatness depends upon the enlightenment of each generation.

Although we can be justly proud of our system of American education, we must not become complacent. What we teach our children in school and what adults continue to learn through advanced courses and community educational opportunities will affect our own future—and our Nation's future.

It is particularly appropriate, therefore, as we celebrate our 200 years of history, to emphasize the importance of American education in the lives of every American.

NOW, THEREFORE, I, GERALD R. FORD, President of the United States of America, do hereby designate the week beginning November 16, 1975, as American Education Week.

I urge parents to visit their children's schools, to learn what their children are learning and to join with teachers and administrators in providing an enriching environment for their children's educational experience.

I urge all students to recognize the unique opportunity they have in this great Republic to reach out for greater knowledge and deeper understanding of man and his environment.

I urge students, teachers and administrators to plan appropriate activities which encourage participation in student government.

I urge everyone, either informally or in the classroom setting, to take advantage of the growing opportunities for adult education in technical skills, employment skills and cultural and intellectual pursuits.

During American Education Week, I urge every American to recommit himself to the process of continuing education for every man, woman and child.

IN WITNESS WHEREOF, I have hereunto set my hand this tenth day of November, in the year of our Lord nineteen hundred seventy-five, and of the Independence of the United States of America the two hundredth.

GERALD R. FORD

TABLE OF LAWS AFFECTED IN VOLUME 89

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EXPLANATION

General.

The following table is designed to serve as a guide to prior laws which are patently amended, repealed, or otherwise affected by the textual provisions of the public laws and proclamations contained in this volume.

This table is arranged chronologically. In preparing the table the "basic act" principle has been followed. Under this principle the key listing of amendatory legislation will be found under the basic act affected, rather than under intervening amendments thereto. Furthermore, all laws included are treated as if tables covering prior volumes of the United States Statutes at Large were in existence. Thus no attempt is made to give an historical picture of a law, and only the latest amendment in the chain will be reflected. Occasionally, to promote clarity, cross references have been supplied at key points.

Users of the table should, therefore, look under the date, public law number, or statutes volume and page number of the basic act affected, in order to determine whether changes have been made by the public laws and proclamations contained in this volume. Although a given section of any act may have been added at a later date, the section is carried under the date and statutes citation of the basic act. For this reason the page numbers in the column headed "Statutes volume and page" are the numbers of the page on which each act begins.

The "Comment" column describes the nature of the affecting action. These are editorial comments, intended to reflect what is patent in the laws reviewed, and every effort has been made to avoid interpretations.

From time to time the annual tables will be cumulated and made separately available as a convenience to users. The most recent cumulation is the Laws Affected Tables for 1956–1970, Volumes 70–84, United States Statutes at Large.

Caveat.

This table is editorially compiled and presented as a reference guide only. Hence it has no evidentiary status or legal effect. Indirect or implied relationships are not included. These may be found through use of the Subject Index or through research based on the text itself.

Note.

Volumes 71 through 86 of the United States Statutes at Large included additional tables of amendments and other affecting actions for special groups of materials such as Revised Statutes, Internal Revenue Codes, positive law titles of the United States Code, etc. Other tables listed broad

repeals of unspecified provisions and prior laws which were simply referred to in the text. Because of their limited usefulness and the existence in some cases of other research aids for these materials, former tables 2–19 have been discontinued.

The Office of the Federal Register invites criticisms or suggestions as to the usefulness of this finding aid.

LAWS AFFECTED IN VOLUME 89

TABLE OF PRIOR LAWS AMENDED, REPEALED OR OTHERWISE AFFECTED

Provisions affected				Amendatory provisions			
Date	Statutes vol.:page	Chapter	Section	Statutes vol.:page	Public Law	Section	Comment
1887							
Feb. 4	24:379	104	13a	91	94–25	8	Exception.
1890							
July 2	26:209	642	----------	801	94–145	2, 4	Amendment.
1898							
July 1	30:544	541	40a	423	94–82	205(b)(8)	Amendment.
1901							
Mar. 3	31:1439	860	2	809	94–151	1	Revision.
1911		Public Law					
Mar. 3	36:961	435	----------	993	94–165	----------	Restriction.
1912							
Aug. 24	37:417	302	1	981, 982	94–165	----------	Exception.
1913							
Dec. 23	38:251	43	14(b)	678	94–125	1(1), (2)	Amendment.
23	38:251	43	19(j)	1124	94–200	101	Effective and termination dates of 1966 repeal, extension.
1914							
July 16	38:454	127	5	300	94–59	1108	Nonapplicability.
16	38:454	127	5(c)(2)	295	94–59	707	Exception.
Sept. 26	38:717	203	5(a)(2)–(5)	801	94–145	3, 4	Repeal.
26	38:717	203	5(a)(2)	801	94–145	3, 4	Par. (6) redesignated as (2).
26	38:717	203	5(a)(6)	801	94–145	3, 4	Redesignated as par. (2).
26	38:717	203	18(c)	931	94–163	336(a)(2)	Applicability.
26	38:717	203	18(d)	931	94–163	336(a)(2)	Applicability.
26	38:717	203	18(e)	931	94–163	336(b)(5)	Applicability.
1917							
Sept. 14	40:288	43	----------	606	94–141	7(b)	Supplemental provision.
24	40:288	43	21	5	94–3	1, 2	Public debt limit, temporary increase; repeal of temporary provision.
24	40:288	43	21	246	94–47	1, 2	Public debt limit, temporary increase; repeal of temporary provision.
24	40:288	43	21	693	94–132	1, 2	Public debt limit, temporary increase; repeal of temporary provision.
1918							
June 20	40:607	174	6	1022	94–170	1, 2	Annuity increase.
20	40:607	174	6	1033	94–178	----------	Annuity increase.
1920							
Feb. 25	41:437	146	----------	578	94–114	3(c)	Savings provision.
25	41:437	146	28(u)	894	94–163	251(d)	Exception.
June 5	41:988	261	26	426	94–85	----------	Amendment.
10	41:1063	280	----------	1118	94–199	4(a)	Applicability.

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1920							
June 10	41:1063	280	24	1153	94–204	12(e)	Applicability.
1921							
June 10	42:20	13	201	3	94–1	1(a)	Exception. (Referred to in text as the Act of June 10, 1922.)
10	42:20	13	201	1062	94–186	2(a)	Exception. (Referred to in text as the Act of June 10, 1922.)
1922							
Sept. 21	42:998	331	----------	77	94–16	1	Exception.
21	42:998	331	4a(3)	78	94–16	4	Amendment.
21	42:998	331	4j	77	94–16	2	Amendment.
21	42:998	331	14	77	94–16	3	Amendment.
1926							
May 7	44:403	186	4(g)(1)(A)	760	94–141	171(a)(1)	Amendment.
7	44:403	186	4(g)(1)(B)	760	94–141	171(a)(2)	Amendment.
7	44:403	186	4(g)(1)(C)	760	94–141	171(a)(3)	Amendment.
7	44:403	186	4(g)(1)(D)	760	94–141	171(a)(4)	Amendment.
7	44:403	186	4(g)(1)(E)	760	94–141	171(a)(5)	Amendment.
7	44:403	186	4(h)	760	94–141	171(b)(1)	Subsec. (h) redesignated as (i); new (h) added.
7	44:403	186	4(i)	760	94–141	171(b)(1)	Former subsec. (h) redesignated as (i).
7	44:403	186	4(i)(2)	761	94–141	171(b)(2)	Deletion; new par. (2) added.
1927							
Mar. 4	44:1422	799	5	683	94–129	----------	Addition.
1930							
May 27	46:391	271	7	986	94–165	----------	Exception.
			Tariff Schedules				
June 17	46:590	361 (title I)	----------	433	94–88	1, 2	Gen. Hdnt. 3(a)(i) amended.
17	46:590	361 (title I)	----------	1266	Proc. 4369	----------	Gen. Hdnt. 3(e) amended.
17	46:590	361 (title I)	514	408	94–75	2(b)	Exception.
17	46:590	361 (title I)	514	409	94–76	2(b)	Exception.
17	46:590	361 (title I)	514	438	94–89	3(c)	Exception.
17	46:590	361 (title I)	Item 903.90 (App.)	245	94–46	1(a), (b)	Amendment.
17	46:590	361 (title I)	Item 907.80 (App.)	570	94–108	1(a), (b)	Duty suspension, extension.
17	46:590	361 (title I)	Item 909.01 (App.)	609	94–120	1, 2	Addition.
17	46:590	361 (title I)	Items 911.00–911.03 (App.)	438	94–89	1, 3(a)	Addition.
17	46:590	361 (title I)	Item 911.10 (App.)	438	94–89	2, 3(b)	Duty suspension, extension.
17	46:590	361 (title I)	Item 911.11 (App.)	438	94–89	2, 3(b)	Duty suspension, extension.
17	46:590	361 (title I)	Item 911.12 (App.)	438	94–89	2, 3(b)	Duty suspension, extension.
17	46:590	361 (title I)	Item 911.40 (App.)	408	94–75	1, 2(a)	Addition.
17	46:590	361 (title I)	Item 912.08 (App.)	409	94–76	1, 2(a)	Addition.
17	46:590	361 (title I)	Item 945.01 (App.)	1283	Proc. 4382	----------	Deletion.

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1930			**Tariff Schedules —Continued**				
June 17	46:590	361 (title I)	Item 945.01 (App.)	1283	Proc. 4382	----------	Hdnt. prec. item 945.01 amended.
17	46:590	361 (title I)	Item 945.02 (App.)	1283	Proc. 4382	----------	Deletion.
17	46:590	361 (title I)	Item 945.04 (App.)	1283	Proc. 4382	----------	Deletion.
1932							
July 22	47:725	304	5B	1124	94–200	101	Effective date of 1969 repeal, extension.
1933							
May 18	48:58	17	15d(a)	750	94–139	1(a)	Amendment.
18	48:58	17	15d(e)	750	94–139	1(b)	Amendment.
27	48:74	22	----------	1147	94–204	3	Temporary exemption.
27	48:74	22	4(5)	169, 170	94–29	30, 31(a)	Addition.
27	48:74	22	24	163, 170	94–29	27(a), 31(a)	Amendment.
27	48:74	22	325	163, 170	94–29	27(d), 31(a)	Amendment.
June 13	48:128	43	5(c)	301	94–60	1(1)–(3)	Amendment.
1934							
June 6	48:881	291	----------	1147	94–204	3	Temporary exemption.
6	48:881	291	1–34	155	94–29	17(3)	Exception.
6	48:881	291	1–34	156	94–29	18	Nonapplicability.
6	48:881	291	2	97, 170	94–29	2, 31(a)	Amendment.
6	48:881	291	3(a)(3)	97, 170	94–29	3(1), 31(a)	Revision.
6	48:881	291	3(a)(9)	97, 170	94–29	3(2), 31(a)	Revision.
6	48:881	291	3(a)(12)	97, 170	94–29	3(3), 31(a)	Revision.
6	48:881	291	3(a)(17)–(19)	98, 170	94–29	3(4), 31(a)	Revision.
6	48:881	291	3(a)(21)	98, 170	94–29	3(5), 31(a)	Revision.
6	48:881	291	3(a)(22)–(39)	98, 170	94–29	3(6), 31(a)	Addition.
6	48:881	291	3(b)	104, 170	94–29	3(7), 31(a)	Revision.
6	48:881	291	3(d)	104, 170	94–29	3(8), 31(a)	Addition.
6	48:881	291	6	104, 170	94–29	4, 31(a)	Revision.
6	48:881	291	8	109, 170	94–29	5(1), 31(a)	Amendment.
6	48:881	291	8(b)–(d)	109, 170	94–29	5(2), 31(a)	Subsec. (b) deleted; (c) redesignated as (b); (d) redesignated as (c) and revised.
6	48:881	291	11	110, 170	94–29	6(1), 31(a)	Title revised.
6	48:881	291	11(a)	110, 170	94–29	6(2), 31(a)	Revision.
6	48:881	291	11(b)	110, 170	94–29	6(2), 31(a)	Revision.
6	48:881	291	11(e)	111, 170	94–29	6(3), 31(a)	Repeal.
6	48:881	291	11A	111, 170	94–29	7, 31(a)	Addition.
6	48:881	291	12(f)(1)	117, 170	94–29	8(1), 31(a)	Revision.
6	48:881	291	12(f)(2)	117, 170	94–29	8(1), 31(a)	Revision.
6	48:881	291	12(f)(6)	118, 170	94–29	8(2), 31(a)	Amendment.
6	48:881	291	12(j)–(m)	118, 170	94–29	9, 31(a)	Addition.
6	48:881	291	13(f)	119, 170	94–29	10, 31(a)	Addition.
6	48:881	291	15	121, 170	94–29	11(1), 31(a)	Title revised.
6	48:881	291	15(a)	121, 170	94–29	11(2), 31(a)	Revision.
6	48:881	291	15(b)	121, 170	94–29	11(2), 31(a)	Revision.
6	48:881	291	15(c)(1)–(3)	125, 170	94–29	11(3), 31(a)	Revision.
6	48:881	291	15(c)(5)	126, 170	94–29	11(4), 31(a)	Revision.
6	48:881	291	15(c)(6)	126, 170	94–29	11(5), 31(a)	Addition.
6	48:881	291	15(e)	127, 170	94–29	11(6), 31(a)	Addition.
6	48:881	291	15A	127, 170	94–29	12(1), 31(a)	Title revised.
6	48:881	291	15A(a)	127, 170	94–29	12(2), 31(a)	Revision.
6	48:881	291	15A(b)	127, 170	94–29	12(2), 31(a)	Revision.

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1934							
June 6	48:881	291	15A(e)–(n)	128, 129, 170	94–29	12(3),(4), 31 (a)	Subsecs. (e)–(h), (j)–(l), (n) deleted; (i) redesignated as (e) and revised; (m) redesignated as (f); new (g), (h) added.
6	48:881	291	15B	131, 170	94–29	13, 31(a)	Addition.
6	48:881	291	17(a)–(g)	137, 170	94–29	14, 31(a)	Subsec. (a) deleted; (b) redesignated as (g); new (a)–(f) added.
6	48:881	291	17A	141, 170	94–29	15, 31(a)	Addition.
6	48:881	291	19	146, 170	94–29	16, 31(a)	Revision.
6	48:881	291	19(c)	108	94–29	4	Exception.
6	48:881	291	19(h)	170	94–29	31(b)	Exception.
6	48:881	291	21(a)	154, 170	94–29	17(1), 31(a)	Revision.
6	48:881	291	21(d)–(f)	154, 155, 170	94–29	17(2), (3), 31(a)	Subsec. (e) redesignated as (d) and revised; (f) redesignated as (e); new (b), (g) added.
6	48:881	291	23	155, 170	94–29	18, 31(a)	Revision.
6	48:881	291	24	158, 170	94–29	19, 31(a)	Revision.
6	48:881	291	25	158, 170	94–29	20, 31(a)	Revision.
6	48:881	291	28(b)	160, 170	94–29	21(1), 31(a)	Revision.
6	48:881	291	28(c)–(e)	160, 170	94–29	21(2), 31(a)	Addition.
6	48:881	291	31	162, 170	94–29	22, 31(a)	Revision.
6	48:881	291	32(a)	162, 170	94–29	23(1), 31(a)	Amendment.
6	48:881	291	32(a)	163, 170	94–29	27(b), 31(a)	Amendment.
6	48:881	291	32(c)	162, 170	94–29	23(2), 31(a)	Deletion.
6	48:881	291	35	162, 170	94–29	24, 31(a)	Addition.
19	48:1064	416	396(g)(2)(H)	1100	94–192	3	Amendment.
19	48:1064	416	396(i)	1100	94–192	4	Amendment.
19	48:1064	416	396(k), (3)–(7)	1099	94–192	2	Addition.
19	48:1064	416	397(10)	1100	94–192	5	Addition.
19	48:1064	416	397(11)	1100	94–192	5	Addition.
27	48:1246	479	2(b)(1)	1027	94–173	1	Amendment.
27	48:1246	479	207(c)(3)	1027	94–173	3	Amendment.
27	48:1246	479	213(b)(2)	1027	94–173	3	Amendment.
27	48:1246	479	220(d)(3)(B)(iii)	1027	94–173	3	Amendment.
27	48:1246	479	221(d)(3)(ii)	1027	94–173	3	Amendment.
27	48:1246	479	221(d)(4)(ii)	1027	94–173	3	Amendment.
27	48:1246	479	221(f)	1027	94–173	4(a)	Amendment.
27	48:1246	479	231(c)(2)	1027	94–173	3	Amendment.
27	48:1246	479	234(e)(3)	1027	94–173	3	Amendment.
27	48:1246	479	236(j)(5)(C)	1027	94–173	4(b)	Amendment.
27	48:1246	479	313	256	94–50	207(1), (2)	Expiration date, extension.
27	48:1246	479	313(a)(1)	254	94–50	201	Amendment.
27	48:1246	479	313(b)	255	94–50	205	Exception.
27	48:1246	479	313(b)(C)	254	94–50	202	Revision.
27	48:1246	479	313(d)(1)	254, 255	94–50	203(1), (2)	Amendment.
27	48:1246	479	313(d)(2)	255	94–50	204	Amendment.
27	48:1246	479	313(g)	255	94–50	206	Amendment.
27	48:1246	479	313(h)	255	94–50	205	Addition.
27	48:1246	479	518(b)	256	94–50	302(1)	Amendment.
27	48:1246	479	518(b)(1)	256	94–50	302(2)	Amendment.
27	48:1246	479	1201(b)(1)	69	94–13	2	Amendment.
1935							
June 28	49:425	170	1	762	94–141	204(a)	Revision.
28	49:425	170	3	762	94–141	204(b)	Addition.
Aug. 14	49:620	271	----------	1089	94–188	205	Exception.
14	49:620	271	201(g)(1)	1137	94–202	8(d)(1)	Revision.

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1935							
Aug. 14	49:620	271	201(g)(4)	1139	94–202	8(d)(2)	Addition.
14	49:620	271	202(j)(1)	66	94–12	702(a)	Exception.
14	49:620	271	203(f)(8)(B)(ii)	1140	94–202	8(i)(2)	Amendment.
14	49:620	271	203(f)(8)(B)(ii)(I)	1140	94–202	8(i)(1)(A)	Amendment.
14	49:620	271	203(f)(8)(B)(ii)(II)	1140	94–202	8(i)(1)(B)	Amendment.
14	49:620	271	205(b)	1136	94–202	4, 5	Amendment.
14	49:620	271	218(d)(1)	1136	94–202	6(a)	Exception.
14	49:620	271	218(d)(3)	1136	94–202	6(a)	Exception.
14	49:620	271	218(d)(5)(A)	1136	94–202	6(a)	Exception.
14	49:620	271	218(f)	1136	94–202	6(b)	Exception.
14	49:620	271	218(i)	1140	94–202	8(k)	Exception.
14	49:620	271	223(b)	66	94–12	702(a)	Exception.
14	49:620	271	224(f)(2)	1140	94–202	8(j)(1), (2)	Amendment.
14	49:620	271	230(b)	1140	94–202	8(h)(2)	Amendment.
14	49:620	271	230(b)(2)	1139	94–202	8(h)(1)	Revision.
14	49:620	271	232	1137	94–202	8(b), (c)	Addition; effective date.
14	49:620	271	402(a)(9)	436, 437	94–88	207, 210	Revision.
14	49:620	271	402(a)(26)(B)	436, 437	94–88	208(a), 210	Amendment.
14	49:620	271	402(a)(27)	437	94–88	209, 210	Amendment.
14	49:620	271	402(a)(28)	434, 437	94–88	202(1)–(3), 210	Addition.
14	49:620	271	403(a)	435, 437	94–88	204, 210	Amendment.
14	49:620	271	454(4)	434, 437	94–88	203(b), 210	Applicability.
14	49:620	271	454(4)(A)	436, 437	94–88	208(b), 210	Amendment.
14	49:620	271	454(4)(B)	436, 437	94–88	208(c), 210	Amendment.
14	49:620	271	454(5)	434, 437	94–88	203(b), 210	Applicability.
14	49:620	271	455	433, 437	94–88	201 (c), 210	Revision.
14	49:620	271	455(a)	435, 437	94–88	205(a), 210	Existing text designated as subsec. (a).
14	49:620	271	455(b)	435, 437	94–88	205(a), 210	Addition.
14	49:620	271	458	435, 437	94–88	203(b), 210	Applicability.
14	49:620	271	1113(c)	235	94–44	2	Amendment.
14	49:620	271	1113(d)	235	94–44	1	Revision.
14	49:620	271	1152(c)(1)	1053	94–182	108(a), (b)	Amendment; nonapplicability.
14	49:620	271	1152(f)(1)	1053	94–182	108(a), (b)	Amendment; nonapplicability.
14	49:620	271	1152(g)	1052	94–182	105	Addition.
14	49:620	271	1168	1055	94–182	112(c), (d)	Amendment.
14	49:620	271	1612(b)(2)(A)	1140	94–202	9(1)	Existing test designated as subpar. (A).
14	49:620	271	1612(b)(2)(B)	1140	94–202	9(2)	Addition.
14	49:620	271	1631(c)(1)	1135, 1136	94–202	1, 5	Revision.
14	49:620	271	1631(d)(2)	1135, 1136	94–202	2, 5	Deletion; par. 3 redesignated as (2).
14	49:620	271	1631(d)(3)	1135, 1136	94–202	2, 5	Redesignated as par. (2).
14	49:620	271	1815(a)	1055	94–182	112(a)(2)(A), (d)	Existing text designated as subsec. (a).
14	49:620	271	1815(b)	1055	94–182	112(a)(2)(B), (d)	Addition.
14	49:620	271	1839(c)(3)	1052	94–182	104(a), (b)	Amendment.
14	49:620	271	1842(b)(3)	1051	94–182	101(a), (b)	Amendment; exception.
14	49:620	271	1861(e)(5)	1051	94–182	102	Amendment.
14	49:620	271	1861(j)(13)	1052	94–182	106(a), (b)	Amendment.
14	49:620	271	1861(w)(1)	1055	94–182	112(a)(1)(A), (d)	Existing text designated as par. (1).

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1935							
Aug. 14	49:620	271	1861(w)(2)	1055	94–182	112(a)(1)(B), (d)	Addition.
14	49:620	271	1862(c)	1051	94–182	103	Repeal.
14	49:620	271	1902(a)	247	94–48	1	Amendment.
14	49:620	271	1902(a)(23)	247	94–48	2	Amendment.
14	49:620	271	1902(g)	1054	94–182	111(a), (c)	Addition.
14	49:620	271	1903(g)(1)(C)	1054	94–182	110(a), (b)	Revision.
14	49:620	271	1903(l)	1054	94–182	111(b)	Exception.
14	49:620	271	1903(l)	1054	94–182	111(b), (c)	Addition.
14	49:620	271	2002(a)(1)	609	94–120	3	Exception.
14	49:620	271	2002(a)(7)	609, 610	94–120	4(b)(1), (c)	Amendment.
14	49:620	271	2002(a)(7)(A)	610	94–120	4(b)(3), (c)	Amendment.
14	49:620	271	2002(a)(7)(E)	610	94–120	4(b)(4), (c)	Amendment.
14	49:620	271	2002(a)(9)(A)(ii)	609	94–120	3	Exception.
14	49:620	271	2002(a)(11)(D)	610	94–120	4(b)(2)(A)–(C), (c)	Addition.
14	49:620	271	2003(f)	609, 610	94–120	4(a), (c)	Addition.
26	49:803	333	29	163, 170	94–29	27(c), 31(a)	Amendment.
1936							
May 20	49:1363	605	306	677	94–124	1(a), (b)	Amendment.
20	49:1363	605	308	677	94–124	2	Amendment.
June 4	49:1463	648	2	763	94–141	206(1), (2)	Amendment.
20	49:1559	732	1	2–7	93–651	202	Revision.
20	49:1559	732	2(a)(1)–(6)	2–8	93–651	203(a)(1)	Pars. (1)–(5) redesignated as (2)–(6); new (1) added.
20	49:1559	732	2(a)(2)	2–8	93–651	203(a)(2)	Revision.
20	49:1559	732	2(a)(5)	2–9	93–651	203(a)(3)(A)–(E)	Amendment.
20	49:1559	732	2(a)(6)	2–9	93–651	203(a)(4)	Revision.
20	49:1559	732	2(b)	2–9	93–651	203(b)(1)–(3)	Amendment.
20	49:1559	732	2(c)	2–9	93–651	203(c)	Amendment.
20	49:1559	732	2(d)(1)	2–9	93–651	203(d)	Addition.
20	49:1559	732	3(2), (3)	2–10	93–651	204(a)(1), (2)	Amendment.
20	49:1559	732	3(3)	2–10	93–651	204(b), (c)	Amendment.
20	49:1559	732	3(6)	2–10	93–651	204(a)(3)	Amendment.
20	49:1559	732	4–10	2–11	93–651	206	Secs. 5, 6, 8 redesignated as 4, 9, 10; new 5–8 added.
20	49:1559	732	4	2–11	93–651	205	Repeal.
20	49:1559	732	4(b)	2–14	93–651	208(d)	Amendment.
20	49:1559	732	7	2–11	93–651	205	Repeal.
20	49:1559	732	9	2–13	93–651	207	Revision.
29	49:1985	835	809(a)	16	94–10	3(a)	Existing text designated as subsec. (a).
29	49:1985	835	809(a)	680	94–127	4	Amendment.
29	49:1985	835	809(b)	16	94–10	3(b)	Addition.
29	49:1985	835	1103(f)	681	94–127	5	Amendment.
1938							
Jan. 27	52:8	422	1	900	94–163	254(e)(5)	Exception.
Feb. 16	52:31	430	301(b)(7)	302	94–61	1, 2	Amendment.
June 25	52:1040	717	----------	752	94–140	4(i)	Effective date of 1972 amendment, extension.
25	52:1094	722	1(h)	461, 464	94–92	1(a)(1), (2), 2(a)	Amendment.
25	52:1094	722	1(k)	461, 464	94–92	1(b), 2(c)	Amendment.
25	52:1094	722	2(a)	461, 464	94–92	1(c)(1), (2), 2(c)	Deletion; new par. (a) added.

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1938							
June 25	52:1094	722	2(c)	462, 464	94–92	1(d)(1), 2(c)	Amendment.
25	52:1094	722	2(c)	462, 464	94–92	1(d)(2), 2(d)	Amendment.
25	52:1094	722	2(h)	462, 464	94–92	1(e), 2(d)	Addition.
25	52:1094	722	3	463, 464	94–92	1(f), 2(b)	Amendment; effective date.
25	52:1094	722	8(a)	463, 464	94–92	1(g), 2(e)	Table amended.
25	52:1094	722	8(b)	463, 464	94–92	1(h), 2(e)	Amendment.
25	52:1094	722	10(a)	464	94–92	1(i)(1), 2(e), (f)	Amendment.
25	52:1094	722	11(a)	464	94–92	1(j), 2(e)	Amendment.
1939							
July 18	53:1062	Pub. Res. 30	301	81	94–19	1(1)	Revision.
18	53:1062	Pub. Res. 30	304	81	94–19	1(2)	Addition.
1940							
July 19	54:773	775	1	262	94–55	2(b)	Revision.
19	54:773	775	5	262	94–55	2(a)	Revision.
Aug. 22	54:789	768	----------	1147	94–204	3	Temporary exemption.
22	54:789	768	9(d)	166, 170	94–29	28(6), 31(a)	Addition.
22	54:789	768	10(e)	165, 170	94–29	28(5), 31(a)	Revision.
22	54:789	768	13(b)	165, 170	94–29	28(4), 31(a)	Amendment.
22	54:789	768	15(c)	165, 170	94–29	28(2), 31(a)	Amendment.
22	54:789	768	15(d)	165, 170	94–29	28(4), 31(a)	Amendment.
22	54:789	768	15(f)	164, 170	94–29	28(1), 31(a)	Addition.
22	54:789	768	16(b)	165, 170	94–29	28(3)(A)–(C), 31(a)	Subsec. (b) redesignated as (c) and amended; new (b) added.
22	54:789	768	16(c)	165, 170	94–29	28(3)(A), (B), 31(a)	Former subsec. (b) redesignated as (c) and amended.
22	54:789	768	18(i)	165, 170	94–29	28(4), 31(a)	Amendment.
22	54:789	768	32(a)	165, 170	94–29	28(4), 31(a)	Amendment.
22	54:789	768	36(d)	166, 170	94–29	28(7), 31(a)	Addition.
22	54:789	768	49	163, 170	94–29	27(e), 31(a)	Amendment.
22	54:789	768	203(c)	166, 170	94–29	29(1), 31(a)	Revision.
22	54:789	768	203(e)	167, 170	94–29	29(2), 31(a)	Revision.
22	54:789	768	203(f)	168, 170	94–29	29(3), 31(a)	Revision.
22	54:789	768	203(g)–(h)	169, 170	94–29	29(4), 31(a)	Subsec. (9) deleted; subsecs. (h), (i) redesignated as (g), (h).
22	54:789	768	204	169, 170	94–29	29(5), 31(a)	Revision.
22	54:789	768	217	163, 170	94–29	27(f), 31(a)	Amendment.
1942							
June 22	56:377	623	----------	259	94–53	----------	(Revised. See 1942, P.L. 829.)
Dec. 22	56:1074	829	----------	259	94–53	----------	Exception.
1944							
July 1	58:682	410	217(g)	341, 352	94–63	401(b), 608	Addition.
1	58:682	410	308	179	94–32	----------	Exception.
1	58:682	410	314(d)	304, 352	94–63	102, 608	Revision.
1	58:682	410	314(d)	352	94–63	701(a)	Amendment.
1	58:682	410	314(e)	346, 352	94–63	501(b), 608	Repeal.
1	58:682	410	314(e)	352	94–63	701(b)(1), (2)(A), (B)	Amendment.
1	58:682	410	317(d)(3)	346, 352	94–63	601(b), 608	Amendment.
1	58:682	410	317(h)(1)	346, 352	94–63	601(a), 608	Amendment.
1	58:682	410	319	334, 352	94–63	401(a), 608	Revision.
1	58:682	410	319	352	94–63	701(c)	Amendment.

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1944							
July 1	58:682	410	329(b)(2)(C)	354	94–63	803(1)	Amendment.
1	58:682	410	329(b)(2)(D)	354	94–63	803(2)	Addition.
1	58:682	410	329(d)(2)–(4)	353	94–63	802	Par. (2) redesignated as (4); new (2), (3) added.
1	58:682	410	329(h)	353	94–63	801(1), (2)	Amendment.
1	58:682	410	330	342, 352	94–63	501(a), 608	Addition.
1	58:682	410	399A	351	94–63	607(a)(c)	Sec. 399c redesignated as 399A.
1	58:682	410	399c	351	94–63	607(a), (c)	Redesignated as sec. 399A.
1	58:682	410	464	728	94–135	464	Amendment.
1	58:682	410	472	351	94–63	607(b), (c)	Sec. 472 (relating to peer review of grant applications and contract projects) redesignated as sec. 475.
1	58:682	410	475	351	94–63	607(b), (c)	Sec. 472 (relating to peer review of grant applications and contract projects) redesignated as 475.
1	58:682	410	633(b)	507	94–103	302(c), 303	Repeal of 1963 amendment.
1	58:682	410	761–768	Preceding page 2	91–696	101	Revision. (prt. D.)
1	58:682	410	801–822	356, 358	94–63	911(a)(2), 917	Heading amended (Prt. A.)
1	58:682	410	801–804	356, 358	94–63	911(a)(1), 917	Designation as subprt. I (Prt. A).
1	58:682	410	801	354	94–63	902(a)	Amendment.
1	58:682	410	801	355, 358	94–63	910(a)(1), 917	Amendment.
1	58:682	410	802	363, 364, 367	94–63	941(a)(1)(A), (D), (E), 942	Amendment.
1	58:682	410	802(b)(2)	364, 367	94–63	941(a)(1)(B), 942	Amendment.
1	58:682	410	802(b)(5)	364, 367	94–63	941(a)(1)(C), 942	Deletion; new par. (5) added.
1	58:682	410	802(c)(1)(A)(ii)	355, 358	94–63	910(a)(2)(B), 917	Addition.
1	58:682	410	802(c)(1)(A)(i)	355, 358	94–63	910(a)(2)(A), 917	Part of existing text designated as subcl. (i).
1	58:682	410	802(c)(1)(B)	364, 367	94–63	941(a)(1)(F), 942	Amendment.
1	58:682	410	803(a)	364, 367	94–63	941(b)(1), 942	Revision.
1	58:682	410	803(b)	364, 367	94–63	941(b)(2), 942	Amendment.
1	58:682	410	803(c)	364, 367	94–63	941(b)(2), 942	Amendment.
1	58:682	410	804	364, 367	94–63	941(c)(1), 942	Amendment.
1	58:682	410	804(a)–(c)	364, 367	94–63	941(c), 942	Redesignated as pars. (1)–(3).
1	58:682	410	804(1)–(3)	364, 367	94–63	941(c), 942	Pars. (a)–(c) redesignated as pars. (1)–(3).
1	58:682	410	805	359, 356, 358	94:63	922, 911(b), 917	Repeal; sec. 809 redesignated as 805.
1	58:682	410	805	364, 367	94–63	941(d), 942	Amendment.

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1944							
July 1	58:682	410	806	365, 358	94–63	941(e), 917	Redesignated as sec 810.
1	58:682	410	806(a)(1)–(3)	356, 358	94–63	915(a), 917	Pars. (1), (2) deleted; new (1)–(3) added.
1	58:682	410	806(b)	358	94–63	916(b), 917	Amendment.
1	58:682	410	806(c)–(i)	356, 358	94–63	915(b), 916 (a), 917	Subsecs. (c)–(f) repealed; new (c) added; (g)–(i) redesignated as (d)–(f).
1	58:682	410	806(i)	354	94–63	902(b)	Amendment.
1	58:682	410	806(i)(1)	358	94–63	915(c)(1), 917	Amendment.
1	58:682	410	807	365, 367	94–63	941(f), 942	Redesignated as sec. 811.
1	58:682	410	808	354	94–63	902(c)	Amendment.
1	58:682	410	808	359	94–63	922	Repeal.
1	58:682	410	809	356, 358	94–63	911(b), 917	Redesignated as sec. 805.
1	58:682	410	809(a)	355	94–63	902(d)(1)	Amendment.
1	58:682	410	809(a)	356, 358	94–63	910(b)(1) (A), (c), (1), 917	Amendment.
1	58:682	410	809(a)(1)	356, 358	94–63	910(b)(1) (B)(i)(I), (ii), 917	Designation " (1)" deleted.
1	58:682	410	809(a)(2)	356, 358	94–63	910(b)(1) (B)(i)(II), (ii), 917	Deletion.
1	58:682	410	809(b)	355	94–63	902(d)(1)	Amendment.
1	58:682	410	809(b)	356, 358	94–63	910(b)(1) (A), (c)(2), 917	Amendment.
1	58:682	410	809(e)	355	94–63	902(d)(2)	Amendment.
1	58:682	410	809(e)	356, 358	94–63	910(b)(2) (A), (B), 917	Amendment.
1	58:682	410	810–811	358	94–63	916(c), 917	Designation as Subprt. II (Prt. A).
1	58:682	410	810	362	94–63	931(b)	Repeal.
1	58:682	410	810	365, 358	94–63	941(e), 917	Sec. 806 redesignated as 810.
1	58:682	410	810(d)	355	94–63	902(e)	Amendment.
1	58:682	410	811	365, 367	94–63	941(f), 942	Sec. 807 redesignated as 811.
1	58:682	410	811(a)	365, 367	94–63	941(f)(1), 942	Amendment.
1	58:682	410	811(b)	365, 367	94–63	941(f)(2), 942	Amendment.
1	58:682	410	811(c)	365, 367	94–63	941(f)(1), 942	Amendment.
1	58:682	410	811(c)(1)	365, 367	94–63	941(f)(3), 942	Revision.
1	58:682	410	811(c)(2)	365, 367	94–63	941(f)(4), 942	Amendment.
1	58:682	410	811(c)(3)	365, 367	94–63	941(f)(4), 942	Amendment.
1	58:682	410	815	358	94–63	921	Addition.
1	58:682	410	820–822	359	94–63	931(a)	Addition (subprt. IV).
1	58:682	410	821	365, 367	94–63	941(g)(2), 942	Redesignated as sec. 830.
1	58:682	410	821(a)	362	94–63	935(a)	Revision.
1	58:682	410	821(b)	362	94–63	935(b)	Amendment.
1	58:682	410	822–826	365, 367	94–63	941(i)(1), 942	Redesignated as secs. 835–839.
1	58:682	410	822(a)	365, 367	94–63	941(h)(1), (2), 942	Amendment.

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1944							
July 1	58:682	410	822(b)(2)(A)	365, 367	94–63	941(h)(3), 942	Amendment.
1	58:682	410	822(b)(4)	362	94–63	936(a)	Amendment.
1	58:682	410	823	365, 367	94–63	941(h)(1), 942	Amendment.
1	58:682	410	823(b)	365, 367	94–63	941(h)(2), 942	Amendment.
1	58:682	410	823(b)(2)(B)	363	94–63	936(b)	Amendment.
1	58:682	410	823(c)	365, 367	94–63	941(h)(2), 942	Amendment.
1	58:682	410	823(j)	365, 367	94–63	941(h)(5)(A), (B), 942	Sec. 830 redesignated as 823(j).
1	58:682	410	824	363	94–63	936(c)	Revision.
1	58:682	410	825	365, 367	94–63	941(h)(1), 942	Amendment.
1	58:682	410	825(a)	365, 367	94–63	941(h)(4)(A)(i), 942	Amendment.
1	58:682	410	825(b)(1)	365, 367	94–63	941(h)(4)(A)(ii), 942	Amendment.
1	58:682	410	825(b)(2)	365, 367	94–63	941(h)(2), 942	Amendment.
1	58:682	410	826	363	94–63	936(d)(1)	Amendment.
1	58:682	410	826	365, 367	94–63	941(h)(1), 942	Amendment.
1	58:682	410	826(a)(1)	365, 367	94–63	941(h)(2), 942	Amendment.
1	58:682	410	826(b)	363	94–63	936(d)(2)	Amendment.
1	58:682	410	826(b)	365, 367	94–63	941(h)(4)(B), 942	Amendment.
1	58:682	410	827	363	94–63	936(e)(1)	Repeal.
1	58:682	410	828	365, 367	94–63	941(h)(1), (4)(C), 942	Amendment.
1	58:682	410	828	365, 367	94–63	941(i)(1), 942	Redesignated as sec. 840.
1	58:682	410	829	365, 367	94–63	941(i)(1), 942	Redesignated as sec. 841.
1	58:682	410	830	365, 367	94–63	941(g)(1), 942	Designation as Subprt. II (Prt. B).
1	58:682	410	830	365, 367	94–63	941(g)(2), 942	Sec. 821 redesignated as 830.
1	58:682	410	830	365, 367	94–63	941(h)(5)(A), (B), 942	Redesignated as 823(j).
1	58:682	410	835–841	365, 367	94–63	941(g)(3), 942	Designation as Subprt. II (Prt. B).
1	58:682	410	835–839	365, 367	94–63	941(i)(1), 942	Secs. 822–826 redesignated as 835–839.
1	58:682	410	835	366, 367	94–63	941(i)(2)(A), (B), 942	Amendment.
1	58:682	410	837	366, 367	94–63	941(i)(3)(A), (B), 942	Amendment.
1	58:682	410	838	366, 367	94–63	941(i)(4), 942	Amendment.
1	58:682	410	839	366, 367	94–63	941(i)(5), 942	Amendment.
1	58:682	410	840	365, 367	94–63	94(i)(1), 942	Sec. 828 redesignated as 840.
1	58:682	410	841–845	366, 367	94–63	941(k)(1), 942	Redesignated as secs. 851–855.
1	58:682	410	841	365, 367	94–63	941(i)(1), 942	Sec. 829 redesignated as 841.

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1944							
July 1	58:682	410	841	366, 367	94–63	941(i)(6)(A), (B), 942	Amendment.
1	58:682	410	845(a)	366, 367	94–63	941(j)(2), 942	Amendment.
1	58:682	410	845, 846	366, 367	94–63	941(j)(1), 942	Secs. 845, 846 (Prt. D, title VIII) redesignated as 860, 861 (Subprt. III, Prt. B, title VIII).
1	58:682	410	846	366, 367	94–63	941(j)(3)(A), (B), 942	Amendment.
1	58:682	410	850(b)	355	94–63	90 2(f)(1)–(3)	Amendment.
1	58:682	410	850(c)(1)(A)	355	94–63	902(f)(4)	Amendment.
1	58:682	410	850(c)(1)(B)	355	94–63	902(f)(5), (6)	Amendment.
1	58:682	410	851–855	366, 367	94–63	941(k)(1), 942	Secs. 841–845 redesignated as 851–855.
1	58:682	410	851(a)	366, 367	94–63	941(k)(2)(C), 942	Par. (a)(1) redesignated as subsec. (a).
1	58:682	410	851(a)(1)	366, 367	94–63	941(k)(2)(C), 942	Redesignated as subsec. (a).
1	58:682	410	851(a)(2)	366, 367	94–63	941(k)(2)(A), (D), 942	Redesignated as subsec. (b) and amended.
1	58:682	410	851(b)	366, 367	94–63	941(k)(2)(B), (D), 942	Deletion; par. (a)(2) redesignated as subsec. (b).
1	58:682	410	853(a)–(j)	366, 367	94–63	941(k)(3)	Redesignated as pars. (1)–(10).
1	58:682	410	853(1)–(10)	366, 367	94–63	941(k)(3)(E), 942	Pars. (a)–(j) redesignated as pars. (1)–(10).
1	58:682	410	853(f)	366, 367	94–63	941(k)(3)(A)–(D), 942	Amendment.
1	58:682	410	853(6)(1)–(3)	366, 367	94–63	941(k)(3)(F), 942	Redesignated as cls. (A)–(C).
1	58:682	410	853(6)(A)–(C)	366, 367	94–63	941(k)(3)(F), 942	Cls. (1)–(3) redesignated as cls. (A)–(C).
1	58:682	410	853(6)(A)	367	94–63	941(k)(3)(G), 942	Redesignated as subcl. (i).
1	58:682	410	853(6)(i)	367	94–63	941(k)(3)(G), 942	Subcl. (A) redesignated as subcl. (i).
1	58:682	410	853(6)(B)	367	94–63	941(k)(3)(G), 942	Redesignated as subcl. (ii).
1	58:682	410	853(6)(ii)	367	94–63	941(k)(3)(G), 942	Subcl. (B)redesignated as subcl. (ii).
1	58:682	410	853(9)(A)	367	94–63	941(k)(3)(H), 942	Cl. (1) redesignated as cl. (A).
1	58:682	410	853(9)(1)	367	94–63	941(k)(3)(H), 942	Redesignated as cl. (A).
1	58:682	410	853(9)(B)	367	94–63	941(k)(3)(H), 942	Cl. (2) redesignated as cl. (B).
1	58:682	410	853(9)(2)	367	94–63	941(k)(3)(H), 942	Redesignated as cl. (B).
1	58:682	410	860(b)	363	94–63	937(1)–(3)	Amendment.
1	58:682	410	860(c)(1)(A)	363	94–63	937(1)	Amendment.
1	58:682	410	860(c)(1)(B)	363	94–63	937(2),(3)	Amendment.

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1944							
July 1	58:682	410	860, 861	366, 367	94–63	941(j)(1), 942	Secs. 845, 846 (Prt. D, title VIII) redesignated as 860, 861 (Subprt. III, Prt. B, title VIII).
1	58:682	410	868	362	94–63	931(b)	Repeal.
1	58:682	410	868(b)	355	94–63	902(g)	Amendment.
1	58:682	410	869	366, 367	94–63	941(j)(4), 942	Repeal.
1	58:682	410	1001(a)	307, 352	94–63	204(a), 608	Amendment.
1	58:682	410	1001(b)	308, 352	94–63	204(b), 608	Amendment.
1	58:682	410	1001(c)	306, 352	94–63	202(a)(1), (2), 608	Amendment.
1	58:682	410	1001(c)	352	94–63	701(d)	Amendment.
1	58:682	410	1003(b)	306, 352	94–63	202(b)(1), (2), 608	Amendment.
1	58:682	410	1003(b)	352	94–63	701(d)	Amendment.
1	58:682	410	1004	306, 352	94–63	202(c), 608	Revision.
1	58:682	410	1004(b)	352	94–63	701(d)	Amendment.
1	58:682	410	1005(b)	307, 352	94–63	202(d)(1), (2), 608	Amendment.
1	58:682	410	1005(b)	352	94–63	701(d)	Amendment.
1	58:682	410	1006(a)	308, 352	94–63	204(c), 608	Amendment.
1	58:682	410	1006(c)	308, 352	94–63	204(d), 608	Amendment.
1	58:682	410	1009	307, 352	94–63	203(a), 608	Addition.
1	58:682	410	1131–1132	350, 352	94–63	606, 608	Addition (prt. D).
1946							
Feb. 20	60:23	304	3	3	94–1	1(b)	Exception.
20	60:23	304	3	1062	94–186	2(b)	Exception.
20	60:23	304	5(b)(3)	3	94–1	1(c)	Exception.
20	60:23	304	5(b)(3)	1062	94–186	2(c)	Exception.
June 4	60:230	396	3	529	94–105	24	Amendment.
4	60:230	396	6(a)	515	94–105	11(a)	Amendment.
4	60:230	396	6(b)	511	94–105	4(a), (b)	Amendment.
4	60:230	396	6(e)	515	94–105	11(b)	Amendment.
4	60:230	396	7	511	94–105	5	Amendment.
4	60:230	396	9(a)	512	94–105	6(a)	Amendment.
4	60:230	396	9(b)	512	94–105	6(b)(1)–(4)	Amendment.
4	60:230	396	9(b)(1)	512	94–105	6(c)	Revision.
4	60:230	396	9(b)(2)	513	94–105	6(d)	Addition.
4	60:230	396	9(c)	514	94–105	6(e)	Amendment.
4	60:230	396	10	514	94–105	7	Revision.
4	60:230	396	11(e)(1)	514	94–105	8(a), (b)	Amendment.
4	60:230	396	12(d)(1)	514	94–105	9(b)	Amendment.
4	60:230	396	12(d)(3)–(7)	514	94–105	9(a)	Par. (3) deleted; (4)–(7) redesignated as (3)–(6).
4	60:230	396	12(d)(6)	514	94–105	9(c)	Revision.
4	60:230	396	12(e)	515	94–105	9(d)	Addition.
4	60:230	396	13(a)(1)	82	94–20	1(a)	Amendment.
4	60:230	396	13(j)	82	94–20	1(b)	Addition.
4	60:230	396	13(k)	82	94–20	1(b)	Addition.
4	60:230	396	14(a)	515	94–105	10	Existing text designated as subsec. (a) and amended.
4	60:230	396	14(b)	515	94–105	10	Addition.
4	60:230	396	15	528	94–105	22	Deletion.
4	60:230	396	16	515	94–105	12	Addition.
4	60:230	396	17	522	94–105	16	Addition.
4	60:230	396	18	526	94–105	19	Addition.
4	60:230	396	19	527	94–105	20	Addition.
Aug. 2	60:812	601	601	421	94–82	204(a)	Revision.
13	60:999	724	576(a)	763	94–141	401(a)(1)	Revision.
13	60:999	724	576(b)	764	94–141	401(a)(2)	Amendment.
13	60:999	724	576(e)	764	94–141	401(a)(3)	Addition.
13	60:999	724	576(f)	764	94–141	401(a)(3)	Addition.

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1946							
Aug. 13	60:999	724	576(f)	764	94–141	401(a)(3)	Applicability.
13	60:999	724	621	764	94–141	402	Amendment.
13	60:999	724	625	764	94–141	403	Revision.
13	60:999	724	691–694	765	94–141	404(a)	Addition (prt. J).
1947							
June 25	61:177	110	5	224	94–40	----------	Amendment.
Aug. 7	61:913	382	5	578	94–114	3(c)	Savings provision.
1948							
Jan. 27	62:6	402	701	225	94–41	101(a)(1)	Exception.
1949							
June 30	63:377	152	111	295	94–59	708	Exception.
July 15	63:413	171	103(a)(2)	1027	94–173	2	Exception.
15	63:413	171	104	1027	94–173	2	Exception.
Oct. 7	63:724	335	1	485	94–102	----------	Partial revision.
31	63:1051	439	416	235	94–44	416	Amendment.
1950							
Aug. 1	64:384	630	35	94	94–26	1	Addition.
19	64:465	719	1	1022	94–170	1, 2	Amendment. (See also 1918, P.L. 174, sec. 6).
19	64:465	719	2	1022	94–170	1, 2	Amendment. (See also 1918, P.L. 174, sec. 6).
Sept. 8	64:798	774	----------	878	94–163	104(a)	Exception.
8	64:798	774	101(c)	878, 879	94–163	104(a), (b)(1), (2)	Addition; authority expiration; savings provision.
8	64:798	774	708	810, 819, 821	94–152	3, 9	Revision; nonapplicability.
8	64:798	774	708	820	94–152	4(c)	Nonapplicability.
8	64:798	774	708	897	94–163	252(h)	Nonapplicability.
8	64:798	774	708A	815, 821	94–152	3, 9	Addition.
8	64:798	774	708A	820	94–152	4(c)	Nonapplicability.
8	64:798	774	708A	897	94–163	252(h)	Nonapplicability.
8	64:798	774	710(e)	820, 821	94–152	5, 9	Amendment.
8	64:798	774	712(c)	820, 821	94–152	6, 9	Amendment.
8	64:798	774	717(a)	232	94–42	1	Amendment.
8	64:798	774	717(a)	483	94–100	1	Amendment.
8	64:798	774	717(a)	810, 821	94–152	2, 9	Amendment.
8	64:798	774	717(a)	822	94–153	----------	Effective date of 1975 amendment.
8	64:798	774	717(g)	820, 821	94–152	7, 9	Amendment.
8	64:798	774	720(i)(2)	399	94–72	----------	Amendment.
8	64:798	774	720(d)(2)	399	94–72	----------	Amendment.
8	64:798	774	720(h)	15	94–9	----------	Amendment.
8	64:798	774	720(h)	399	94–72	----------	Amendment.
8	64:798	774	720(h)	820, 821	94–152	8(1), 9	Amendment.
8	64:798	774	720(i)(2)	15	94–9	----------	Amendment.
8	64:798	774	720(i)(2)	820, 821	94–152	8(2), 9	Amendment.
8	64:798	774	720(j)(3)	821	94–152	8(4), 9	Addition.
8	64:798	774	720(l)	15	94–9	----------	Amendment.
8	64:798	774	720(l)	399	94–72	----------	Amendment.
8	64:798	774	720(l)	821	94–152	8(3), 9	Amendment.
21	64:873	797	2, "Sec. 18 (g)"	1124	94–200	101	Effective and termination dates of 1966 and 1969 amendment, extension.
1951							
Mar. 23	65:7	9	102(c)(1)	1061	94–185	----------	Amendment.

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1952							
June 27	66:163	414	101(b)(1)(F)	824	94–155	----------	Revision.
1954							
June 4	68:173	387	"Sec. 1(b)"	1153	94–204	12(d)(2)	Nonapplicability.
30	68:330	451	2	95	94–27	1	Amendment.
July 10	68:454	480	2	850	94–161	201	Amendment.
10	68:454	480	3	851	94–161	202	Addition.
10	68:454	480	103(a)	851	94–161	203(1)	Revision.
10	68:454	480	103(b)	851	94–161	203(2)	Amendment.
10	68:454	480	103(d)	851	94–161	203(3)	Amendment.
10	68:454	480	104	852	94–161	204(1), (2)	Amendment.
10	68:454	480	104(c)	852	94–161	204(3)	Repeal.
10	68:454	480	106(b)(1)–(3)	852	94–161	205(1)–(3)	Existing text designated as par. (1) and amended; new (2), (3) added.
10	68:454	480	109(a)	853	94–161	206	Amendment.
10	68:454	480	111	853	94–161	207	Addition.
10	68:454	480	201(a)	853	94–161	208(1)	Existing text designated as subsec. (a).
10	68:454	480	201(b)	853	94–161	208(2)	Addition.
10	68:454	480	206	854	94–161	209	Addition.
10	68:454	480	406(a)	855	94–161	214(1)	Amendment.
10	68:454	480	406(a)(1)	855	94–161	214(2)	Amendment.
10	68:454	480	406(a)(5)	855	94–161	214(3)	Revision.
10	68:454	480	407	854	94–161	210	Amendment.
10	68:454	480	408(a)–(c)	854	94–161	211(1)–(3)	Existing text designated as subsec. (a) and amended; new (b), (c) added.
10	68:454	480	412	855	94–161	212	Addition.
22	68:497	517	15	94	94–26	2	Addition.
Aug. 26	68:832	665	414(f)	760	94–141	150(a)	Addition.
26	68:832	665	502(b)	299	94–59	1105	Amendment.
26	68:832	665	502(b)	837	94–157	----------	Amendment.
30	68:919	703	1, "Sec. 11q"	1111	94–197	1	Revision.
30	68:919	703	1, "Sec. 11t"	1111	94–197	1	Revision.
30	68:919	703	1, "Sec. 53"	1069	94–187	201	Exception.
30	68:919	703	1, "Sec. 170a"	1111	94–197	2	Revision.
30	68:919	703	1, "Sec. 170b"	1112	94–197	3	Revision. (Referred to in text as sec. 107b).
30	68:919	703	1, "Sec. 170c"	1113	94–197	4(a), (b)	Amendment.
30	68:919	703	1, "Sec. 170d"	1113	94–197	5(a), (b)	Amendment.
30	68:919	703	1, "Sec. 170e"	1113	94–197	6	Revision.
30	68:919	703	1, "Sec. 170f"	1114	94–197	7	Revision.
30	68:919	703	1, "Sec. 170h"	1114	94–197	8	Amendment.
30	68:919	703	1, "Sec. 170i"	1114	94–197	9	Revision.
30	68:919	703	1, "Sec. 170k"	1114	94–197	10(a)	Amendment.
30	68:919	703	1, "Sec. 170k (1)"	1114	94–197	10(b)	Amendment.
30	68:919	703	1, "Sec. 170l"	1114	94–197	11	Amendment.
30	68:919	703	1, "Sec. 170n (1)(iii)"	1114	94–197	12	Amendment.
30	68:919	703	1, "Sec. 170o (3)"	1114	94–197	13	Amendment.
30	68:919	703	1, "Sec. 170o (4)"	1114	94–197	13	Addition.

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1954							
Aug. 30	68:919	703	1, "Sec. 170p"	1115	94–197	14	Addition.
30	68:919	730	1, "Sec. 169"	1069	94–187	201	Exception.
1955							
June 28	69:188	104	----------	770	94–141	406	Revision.
Aug. 4	69:471	221	91	1077	94–187	601(1)	Amendment.
4	69:471	221	91a	1078	94–187	601(5)	Amendment.
4	69:471	221	91a(2)	1078	94–187	601(2)	Amendment.
4	69:471	221	91d	1078	94–187	601(3), (6)	Amendment.
4	69:471	221	91e	1078	94–187	601(4)	Amendment.
4	69:471	221	92	1077, 1078	94–187	601(1), (8)	Amendment.
4	69:471	221	92	1078	94–187	601(7)	Catchline amended.
4	69:471	221	93	1077, 1078	94–187	601(1), (9)	Amendment.
4	69:471	221	94	1077	94–187	601(1)	Amendment.
4	69:471	221	94	1078	94–187	601(7)	Catchline amended.
1956							
June 27	70:356	624	----------	86	94–22	8	Amendment.
July 25	70:647	798	1	835	94–157	----------	Exception.
Aug. 1	70:890	885	14(d)(1)	771	94–141	407(a), (b)	Revision; effective date.
1	70:890	885	15(a)	225, 229	94–41	101(a)(1), (e)	Exception.
1	70:890	885	17	756	94–141	101(c)	Addition.
6	70:1044	984	2(d)	1049	94–181	1(a)	Revision.
6	70:1044	984	2(f)	1049	84–181	1(b)	Addition.
6	70:1044	984	4(d)–(f)	1049, 1050	94–181	1(c)–(e)	Subsec. (d) redesignated as (e) and amended; new (d) added; former (e) redesignated as (f).
6	70:1044	984	5(a)	1050	94–181	1(f)	Amendment.
6	70:1044	984	10	1050	94–181	1(g)	Amendment.
1957							
Sept. 9	71:634	85–315	105(b)	731	94–135	307(c)	Exception.
1958							
June 30	72:244	85–474	----------	762	94–141	204(c)	Amendment.
July 7	72:339	85–508	6(i)	1151	94–204	12(a)	Nonapplicability.
29	72:426	85–568	401–404	222, 223	94–39	8	Addition.
Aug. 23	72:731	85–726	1306(f)	439	94–90	1(a),(b)(1), b(1), (2), (c)	Addition.
23	72:731	85:726	1312	439	94–90	1(c)	Heading amended.
23	72:731	85–726	1312	439	94–90	2	Amendment.
Sept. 2	72:1698	85–874	6(e)	608	94–119	1	Amendment.
2	72:1698	85–874	6(f)	608	94–119	2	Addition.
1959							
Aug. 21	73:398	86–176	----------	835	94–157	----------	Amendment.
29	73:432	86–211	9(b)	1019	94–169	107	Supplemental provision.
1960							
June 12	74:212	86–516	2(5)	807	94–150	2(a)	Exception.
July 12	74:372	86–613	----------	752	94–140	4(i)	Effective date of 1972 amendment, extension.
12	74:446	86–628	105(b)	299	94–59	1104	Revision.
1961							
May 20	49:1363	605	6	677	94–124	3	Amendment.

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1961							
June 29	75:129	87–63	6(4)–(7)	262	94–55	1	Addition.
Aug. 8	75:294	87–128	308	654, 655	94–122	----------	Applicability.
8	75:294	87–128	309	654	94–122	----------	Applicability.
8	75:294	87–128	321(a)	381	94–68	2	Revision.
8	75:294	87–128	321(b)	381	94–68	3(a), (b)	Amendment.
8	75:294	87–128	322	381	94–68	4	Revision.
8	75:294	87–128	324	381	94–68	5	Revision.
8	75:294	87–128	325	382	94–68	6	Revision.
8	75:294	87–128	329	382	94–68	7	Addition.
8	75:294	87–128	330	382	94–68	8	Addition.
8	75:294	87–128	344	214	94–35	2	Amendment.
8	75:294	87–128	345	382	94–68	9	Addition.
Sept. 4	75:424	87–195	102(c)	855	94–161	301	Addition.
4	75:424	87–195	102(d)	855	94–161	301	Addition.
4	75:424	87–195	103(a)	856	94–161	302(1)	Amendment.
4	75:424	87–195	103(b)–(g)	856	94–161	302(2)	Addition.
4	75:424	87–195	103A	857	94–161	303	Addition.
4	75:424	87–195	104(a)	857	94–161	304(1)–(3)	Existing text designated as subsec. (a) and amended.
4	75:424	87–195	104(b)	857	94–161	304(4)	Addition.
4	75:424	87–195	105(a)–(c)	858	94–161	305(a)(1)–(3)	Existing text designated as subsec. (a) and amended; new (b), (c) added.
4	75:424	87–195	106	858	94–161	306(1)	Repeal.
4	75:424	87–195	106	858	94–161	306(2)	Addition.
4	75:424	87–195	107	858	94–161	306(1)	Repeal.
4	75:424	87–195	107	858	94–161	306(2)	Addition.
4	75:424	87–195	110(a)	859	94–161	307	Amendment.
4	75:424	87–195	110(b)	865	94–161	312	Exception.
4	75:424	87–195	111	859	94–161	308	Revision.
4	75:424	87–195	113	860	94–161	309	Amendment.
4	75:424	87–195	116	860	94–161	310	Addition.
4	75:424	87–195	209(c)	860	94–161	311(1)	Revision.
4	75:424	87–195	211(a)	865	94–161	312	Exception.
4	75:424	87–195	211(d)	865	94–161	312	Exception.
4	75:424	87–195	214(c)	861	94–161	311(2)(A)	Amendment.
4	75:424	87–195	214(d)	861	94–161	311(2)(B)	Amendment.
4	75:424	87–195	221	861	94–161	311(3)	Amendment.
4	75:424	87–195	221	861	94–161	311(5)(B)	Restriction.
4	75:424	87–195	222	861	94–161	311(5)(B)	Restriction.
4	75:424	87–195	222(c)	861	94–161	311(4)	Amendment.
4	75:424	87–195	223(i)	861	94–161	311(5)(A)	Amendment.
4	75:424	87–195	223(j)	861	94–161	311(5)(B)	Addition.
4	75:424	87–195	241	858	94–161	306(1)	Repeal.
4	75:424	87–195	296–300	861	94–161	312	Addition (prt. I, chp. 2).
4	75:424	87–195	301(f)	866	94–161	313(c)	Addition.
4	75:424	87–195	302(a)(1)	866	94–161	313(a)(1)(A), (B)	Existing text designated as (1) and amended.
4	75:424	87–195	302(a)(2)	866	94–161	313(a)(1)(C)	Addition.
4	75:424	87–195	302(b)(1)	866	94–161	313(a)(2)	Amendment.
4	75:424	87–195	302(b)(2)	866	94–161	313(a)(3)	Amendment.
4	75:424	87–195	302(d)	866	94–161	313(a)(4)	Amendment.
4	75:424	87–195	305	866	94–166	313(b)	Amendment.
4	75:424	87–195	452	850	94–161	101(4)	Redesignated as sec. 494.
4	75:424	87–195	491–495	849	94–161	101(1)	Heading revised (prt. I, chp. 9).
4	75:424	87–195	491–493	849	94–161	101(3)	Addition.
4	75:424	87–195	491	849	94–161	101(2)	Repeal.
4	75:424	87–195	494	850	94–161	101(4)	Sec. 452 redesignated as 494.

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1961							
Sept. 4	75:424	87–195	494A	850	94–161	101(5)	Sec. 639A redesignated as 494A.
4	75:424	87–195	494B	850	94–161	101(5)	Sec. 639B redesignated as 494B.
4	75:424	87–195	494B	850	94–161	101(7)(A)	Sec. caption amended.
4	75:424	87–195	494B(a)–(d)	850	94–161	101(7)(B)–(D)	Existing text designated as (a) and amended; new subsecs. (b)–(d) added.
4	75:424	87–195	495	850	94–161	101(8)	Addition.
4	75:424	87–195	496(a)–(c)	866	94–161	314(1), (4)	Existing text designated as subsec. (a); new (b), (c) added.
4	75:424	87–195	496(a)	866	94–161	314(2), (3)	Amendment.
4	75:424	87–195	607(a)	867	94–161	315	Amendment.
4	75:424	87–195	620	508	94–104	2(b)(1)(A)	Exception.
4	75:424	87–195	620(r)	867	94–161	314(4)	Exception.
4	75:424	87–195	620(x)	509, 510	94–104	2(c)(1), (5)	Amendment.
4	75:424	87–195	620(x)(1)	509, 510	94–104	2(c)(2), (5)	Existing text designated as par. (1).
4	75:424	87–195	620(x)(2)	509, 510	94–104	2(c)(2), (5)	Addition.
4	75:424	87–195	639	850	94–161	101(6)	Repeal.
4	75:424	87–195	639A	850	94–161	101(5)	Redesignated as sec. 494A.
4	75:424	87–195	639B	850	94–161	101(5)	Redesignated as sec. 494B.
4	75:424	87–195	661	867	94–161	316	Amendment.
4	75:424	87–195	665–667	867	94–161	317	Addition.
21	75:527	87–256	105(f)	624	94–121	----------	Applicability.
21	75:527	87–256	108(c)	624	94–121	----------	Applicability.
22	75:612	87–293	3(b)	684	94–130	1	Amendment.
22	75:612	87–293	3(c)	684	94–130	2	Revision.
22	75:612	87–293	3(d)	684	94–130	3	Revision.
22	75:612	87–293	5(a)	684	94–130	4	Amendment.
22	75:612	87–293	5(c)	684	94–130	6	Amendment.
26	75:631	87–297	2	758	94–141	144	Amendment.
26	75:631	87–297	22	758	94–141	145	Amendment.
26	75:631	87–297	36	758	94–141	146	Addition.
26	75:631	87–297	45(a)	759	94–141	147(a)(1), (2)	Amendment.
26	75:631	87–297	45(a)	759	94–141	147(b)	Exception.
26	75:631	87–297	45(b)	759	94–141	147(b)	Amendment.
26	75:631	87–297	45(c)	759	94–141	147(b)	Applicability.
26	75:631	87–297	45(d)	759	94–141	147(a)(3)	Addition.
26	75:631	87–297	49(a)	757	94–141	141	Amendment.
26	75:631	87–297	49(d)	760	94–141	148	Repeal.
26	75:631	87–297	50	760	94–161	149	Amendment.
26	75:631	87–297	511	760	94–141	150(c)	Amendment.
1962							
June 28	76:121	87–510	2(c)	771	94–141	501(a)	Revision.
Aug. 20	76:394	87–592	1(a)	163, 170	94–29	25(1), 31(a)	Amendment.
20	76:394	87–592	1(b)	163, 170	94–29	25(2), 31(a)	Revision.
Oct. 23	76:1173	87–874	201–212	1118	94–199	5(b)	Project deauthorization.
1963							
Oct. 31	77:282	88–164	100	507	94–103	302(c), 303	Repeal.
31	77:282	88–164	101–107	496, 507	94–103	125, 303	Sec. 101 (prt. A) revised and replaced by secs. 101–107 (prt. A).
31	77:282	88–164	108	499, 500, 507	94–103	126(a), (b), 303	Sec. 133 redesignated as 108 and transferred to prt. A; savings provision.

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1963							
Oct. 31	77:282	88–164	108(a)	499, 500, 507	94–103	126(a)(1), (b), 303	Revision; savings provision.
31	77:282	88–164	108(b)	500, 507	94–103	126(a)(2)(A), (B), (b), 303	Amendment; savings provision.
31	77:282	88–164	108(c)	500, 507	94–103	126(a)(3), (b), 303	Revision; savings provision.
31	77:282	88–164	109	500, 507	94–103	127(3), 303	Amendment.
31	77:282	88–164	109	500, 507	94–103	127, 303	Sec. 139 redesignated as 109 and transferred to prt. A.
31	77:282	88–164	109(a)–(d)	500, 507	94–103	127(2), 303	Redesignation as pars. (1)–(4).
31	77:282	88–164	109(1)–(4)	500, 507	94–103	127(2), 303	Pars. (a)–(d) redesignated as pars. (1)–(4).
31	77:282	88–164	109(a)–(c)	500, 507	94–103	127(1), 303	Amendment.
31	77:282	88–164	110	501, 507	94–103	128, 303	Addition.
31	77:282	88–164	111	502, 507	94–103	201, 303	Addition.
31	77:282	88–164	112	503, 507	94–103	202, 303	Addition.
31	77:282	88–164	113	504, 507	94–103	203, 303	Addition.
31	77:282	88–164	121–127	486, 507	94–103	105, 303	Revision (prt. B).
31	77:282	88–164	122(b)	486, 507	94–103	101(a), 303	Amendment.
31	77:282	88–164	130	507	94–105	302(c), 303	Repeal.
31	77:282	88–164	131	486, 507	94–103	101(a), 303	Amendment.
31	77:282	88–164	131	489, 507	94–103	110(a), 303	Revision.
31	77:282	88–164	132	506, 507	94–103	302(b)(1), 303	Amendment.
31	77:282	88–164	132(a)	489, 507	94–103	110(b), 303	Revision.
31	77:282	88–164	132(b)	490, 507	94–103	110(e)(1), 303	Amendment.
31	77:282	88–164	132(d)	490, 507	94–103	110(c), 303	Amendment.
31	77:282	88–164	132(e)	490, 507	94–103	110(d), 303	Repeal.
31	77:282	88–164	133	499, 500, 507	94–103	126(a), (b), 303	Redesignated as sec. 108 and transferred to prt. A; savings provision.
31	77:282	88–164	133	506, 507	94–103	302(a), 303	Former sec. 134 redesignated as 133.
31	77:282	88–164	133(b)(1)	506, 507	94–103	302(b)(2), 303	Amendment.
31	77:282	88–164	134	506, 507	94–103	302(a), 303	Redesignated as sec. 133; former sec. 137 redesignated as 134.
31	77:282	88–164	134(b)(1)	490, 507	94–103	111(a)(1), 303	Amendment.
31	77:282	88–164	134(b)(3)	490, 507	94–103	111(a)(2), 303	Amendment.
31	77:282	88–164	134(b)(4)	490, 507	94–103	110(e)(2), 303	Amendment.
31	77:282	88–164	134(b)(5)	490, 507	94–103	111(a)(3), 303	Revision.
31	77:282	88–164	134(b)(7)	490, 507	94–103	111(a)(4), 303	Revision.
31	77:282	88–164	134(b)(8)	490, 507	94–103	111(a)(5), 303	Revision.
31	77:282	88–164	134(b)(9)	490, 507	94–103	111(a)(6), 303	Amendment.
31	77:282	88–164	134(b)(14)	490, 507	94–103	111(a)(8), 303	Amendment.
31	77:282	88–164	134(b)(15)	490, 507	94–103	111(a)(7), 303	Amendment.
31	77:282	88–164	134(b)(18)–(30)	491, 507	94–103	111(a)(9), 303	Par. 18 redesignated as 30; new 18–29 added.
31	77:282	88–164	134(d)	492, 507	94–103	111(b), 303	Addition.
31	77:282	88–164	135	492, 507	94–103	112, 303	Repeal.

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1963							
Oct. 31	77:282	88–164	135	506, 507	94–103	302(a), 303	Sec. 138 redesignated as 135.
31	77:282	88–164	135	506, 507	94–103	302(b)(3)(A), 303	Amendment.
31	77:282	88–164	135(b)	506, 507	94–103	302(b)(3)(B), 303	Amendment.
31	77:282	88–164	136–138	506, 507	94–103	302(a), 303	Secs. 140–142 redesignated as 136–138.
31	77:282	88–164	136	492, 507	94–103	112, 303	Repeal.
31	77:282	88–164	136	506, 507	94–103	302(b)(4), 303	Amendment.
31	77:282	88–164	137	492, 507	94–103	113(1), 303	Heading amended.
31	77:282	88:164	137	506, 507	94–103	302(a), 303	Former sec. 137 redesignated as 134; sec. 141 redesignated as 137.
31	77:282	88–164	137(a)(1)	492, 507	94–103	113(2), 303	Designation " (1)" deleted.
31	77:282	88–164	137(a)(2)	492,507	94–103	113(2), 303	Deletion.
31	77:282	88–164	137(b)	492, 507	94–103	113(3), 303	Revision.
31	77:282	88–164	137(b)(1)	486, 507	94–103	101(b), 303	Amendment.
31	77:282	88–164	138	490, 507	94–103	110(e)(3), 303	Amendment.
31	77:282	88–164	138	493, 507	94–103	114(1), 303	Heading amended.
31	77:282	88–164	138	493, 507	94–103	114(2), 303	Amendment.
31	77:282	88–164	138	506, 507	94–103	302(a), 303	Redesignated as sec. 135; sec. 142 redesignated as 138.
31	77:282	88–164	138	506, 507	94–103	302(b)(5)(A), (B), 303	Amendment.
31	77:282	88–164	138(a)	493, 507	94–103	114(3), 303	Existing text designated as subsec. (a); par. (a) redesignated as par. (1) of subsec. (a).
31	77:282	88–164	138(1)	493, 507	94–103	114(3), 303	Par. (a) redesignated as par. (1).
31	77:282	88–164	138(b)	493, 507	94–103	114(3), 303	Subsec. (b) added; par. (b) redesignated as par. (2) of subsec. (a).
31	77:282	88–164	138(2)	493, 507	94–103	114(3), 303	Par. (b) redesignated as par. (2).
31	77:282	88–164	139	500, 507	94–103	127, 303	Redesignated as sec. 109 and transferred to prt. A.
31	77:282	88–164	140–142	506, 507	94–103	302(a), 303	Redesignated as secs. 136–138.
31	77:282	88–164	140	493, 507	94–103	115, 303	Revision.
31	77:282	88–164	141	493, 507	94–103	116, 303	Addition.
31	77:282	88–164	142	494, 507	94–103	117, 303	Addition.
31	77:282	88–164	145	495, 507	94–103	120, 303	Revision (prt. D).
31	77:282	88–164	201–272	309, 352	94–63	303, 608	Revised and replaced by new secs. 201–245 (title II).
31	77:282	88–164	201	352	94–63	701(e)(1)	Amendment.
31	77:282	88–164	207	352	94–63	701(e)(2)	Amendment.
31	77:282	88–164	221(b)	352	94–63	701(e)(3)	Amendment.
31	77:282	88–164	224(a)	352	94–63	701(e)(4)	Amendment.
31	77:282	88–164	246	352	94–63	701(e)(5)(A)	Amendment.
31	77:282	88–164	247(d)	352	94–63	701(e)(5)(B)	Amendment.
31	77:282	88–164	252	352	94–63	701(e)(6)(A)	Amendment.

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Oct. 31	77:282	88–164	253(d)	353	94–63	701(e)(6)(B)	Amendment.
31	77:282	88–164	256(e)	353	94–63	701(e)(6)(C)	Amendment.
31	77:282	88–164	261(a)	353	94–63	701(e)(7)(A)	Amendment.
31	77:282	88–164	261(b)	353	94–63	701(e)(7)(B)	Amendment.
31	77:282	88–164	271(d)(1)	353	94–63	701(e)(8)(A)	Amendment.
31	77:282	88–164	271(d)(2)	353	94–63	701(e)(8)(B)	Amendment.
31	77:282	88–164	401–410	507	94–103	302(c), 303	Repeal. (See also 1944, P.L. 410, sec. 633(b).).
31	77:282	88–164	401(c)	333, 352	94–63	305(a)(1), 608	Deletion.
31	77:282	88–164	401(d)	333, 352	94–63	305(a)(2), 608	Revision.
31	77:282	88–164	401(h)(1)	334, 352	94–63	305(a)(3)(A), 608	Amendment.
31	77:282	88–164	401(h)(2)(A)	334, 352	94–63	305(a)(3)(B), 608	Designation " (A)" deleted.
31	77:282	88–164	401(h)(2)(B)	334, 352	94–63	305(a)(3)(B), 608	Deletion.
31	77:282	88–164	401(h)(3)	334, 352	94–63	305(a)(3)(C), 608	Amendment.
31	77:282	88–164	403(a)	334, 352	94–63	305(b)(1), (2), 608	Amendment.
31	77:282	88–164	403(b)	334, 352	94–63	305(b)(3), 608	Amendment.
31	77:282	88–164	403(c)(1)	334, 352	94–63	305(b)(4), 608	Amendment.
31	77:282	88–164	404	334, 352	94–63	305(c), 608	Amendment.
31	77:282	88–164	405	334, 352	94–63	305(d)(5), (6), 608	Amendment.
31	77:282	88–164	405(1)(A)	334, 352	94–63	305(d)(1), (2), 608	Amendment.
31	77:282	88–164	405(2)	334, 352	94–63	305(d)(3), (4), 608	Amendment.
31	77:282	88–164	406	334, 352	94–63	305(e), 608	Amendment.
Dec. 18	77:403	88–210	161(d)(1)	727	94–135	204	Existing text designated as par. (1).
18	77:403	88–210	161(d)(2)	727	94–135	204	Addition.
1964							
July 9	78:302	88–365	3(f)	2–1	93–650	1(a)	Addition.
Aug. 1	78:341	88–390	101	548	94–107	103(a)(1)	Amendment.
1	78:341	88–390	602(1)	548	94–107	103(b)	Amendment.
14	78:400	88–426	203(a)–(d)	421	94–82	204(b)	Revision.
30	78:635	88–504	1(49)	809	94–151	2	Addition.
31	78:703	88–525	----------	1147	94–204	4	Exception.
31	78:703	88–525	3(e)	235	94–44	3(a), (b)	Amendment.
31	78:703	88–525	7(b)	6	94–4	----------	Exception.
Sept. 2	78:769	88–560	312(d)	256	94–50	301(b)	Amendment.
2	78:769	88–560	312(h)	256	94–50	301(a)	Amendment.
3	78:890	88–577	4(d)(2)	1122	94–199	11	Exception.
Oct. 13	78:1089	88–657	4	823	94–154	----------	Amendment.
1965							
Mar. 9	75:5	89–4	2(a)	1079	94–188	102	Existing text designated as subsec. (a).
9	79:5	89–4	2(b)	1079	94–188	102	Addition.
9	79:5	89–4	101(a)	1079	94–188	103(1), (2)	Amendment.
9	79:5	89–4	101(b)	1080	94–188	103(3)	Amendment.
9	79:5	89–4	101(c)	1080	94–188	103(4), (5)	Amendment.
9	79:5	89–4	101(d)	1080	94–188	104	Revision.

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Mar. 9	79:5	89–4	102(a)	1080	94–188	105	Existing text designated as subsec. (a).
9	79:5	89–4	102(b)	1080	94–188	105	Addition.
9	79:5	89–4	105(b)	1080	94–188	106	Amendment.
9	79:5	89–4	106(2)	1081	94–188	108	Amendment.
9	79:5	89–4	106(7)	1080	94–188	107	Amendment.
9	79:5	89–4	107(a)	1081	94–188	109	Existing text designated as subsec. (a).
9	79:5	89–4	107(b)	1081	94–188	109	Addition.
9	79:5	89–4	201(a)	1081	94–188	110(1)	Amendment.
9	79:5	89–4	202(a)	1081	94–188	111(1)(A), (B)	Amendment.
9	79:5	89–4	202(c)	1081	94–188	111(2)	Amendment.
9	79:5	89–4	205(a)(1)	1081	94–188	112(1)	Amendment.
9	79:5	89–4	205(a)(2)	1081	94–188	112(2)	Amendment.
9	79:5	89–4	205(b)	1081	94–188	112(3)	Amendment.
9	79:5	89–4	205(c)	1081	94–188	112(4)	Revision.
9	79:5	89–4	205(d)	1082	94–188	112(5)	Revision.
9	79:5	89–4	207(a)	1082	94–188	113(1)	Revision.
9	79:5	89–4	207(c)(2)	1082	94–188	113(2)	Revision.
9	79:5	89–4	207(e)	1082	94–188	113(3)	Amendment.
9	79:5	89–4	207(f)	1082	94–188	113(4)	Addition.
9	79:5	89–4	210(g)	1081	94–188	110(2)	Amendment.
9	79:5	89–4	211(b)(1)	1082	94–188	114(1)	Amendment.
9	79:5	89–4	211(b)(2)	1083	94–188	114(2)	Amendment.
9	79:5	89–4	211(b)(3)	1083	94–188	114(3)(a), (b)	Amendment.
9	79:5	89–4	211(b)(4)	1083	94–188	114(4)	Amendment.
9	79:5	89–4	211(b)(5)	1083	94–188	114(5)	Revision.
9	79:5	89–4	214(a)	1083	94–188	115(1)	Amendment.
9	79:5	89–4	214(c)	1083	94–188	115(2)	Amendment.
9	79:5	89–4	223(1)	1083	94–188	116	Amendment.
9	79:5	89–4	223(2)	1083	94–188	116	Revision.
9	79:5	89–4	224(b)(2)–(4)	1085	94–188	119(3)	Exception.
9	79:5	89–4	224(c)	1084	94–188	117	Addition.
9	79:5	89–4	225	1084	94–188	118	Addition.
9	79:5	89–4	302(a)(1)	1085	94–188	119(1)	Amendment.
9	79:5	89–4	302(a)(2)	1085	94–188	119(2)	Par. (2) redesignated as (3); new (2) added.
9	79:5	89–4	302(b)	1085	94–188	119(3)	Revision.
9	79:5	89–4	303	1086	94–188	120	Revision.
9	79:5	89–4	401	1086	94–188	121	Amendment.
9	79:5	89–4	405	1086	94–188	122(a)	Amendment.
Apr. 11	79:27	89:10	801	1102	94–193	1(c)	Amendment.
July 14	79:218	89–73	102(1)	725	94–135	114(a)	Amendment.
14	79:218	89–73	102(4)–(6)	714	94–135	104(b)	Addition.
14	79:218	89–73	202	725	94–135	114(b)	Heading amended.
14	79:218	89–73	202(a)(8)	725	94–135	114(c)	Amendment.
14	79:218	89–73	204(c)	719	94–135	112(a)	Amendment.
14	79:218	89–73	205(g)	713	94–135	101(a)	Amendment.
14	79:218	89–73	205(h)	713	94–135	101(b)	Amendment.
14	79:218	89–73	211	713	94–135	102	Addition.
14	79:218	89–73	302(1)(F)–(G)	713	94–135	103(1), (2)	Subpar. (F) redesignated as (H); new (F), (G) added.
14	79:218	89–73	303(a)	719	94–135	112(b)(1)	Amendment.
14	79:218	89–73	303(b)(1)	725	94–135	114(d)	Amendment.
14	79:218	89–73	303(b)(2)	714	94–135	104(c), 112(b)(2)	Amendment.
14	79:218	89–73	303(b)(3)	714	94–135	104(a)	Par. (3) redesignated as (4); new (3) added.
14	79:218	89–73	303(b)(3)	714	94–135	104(c)	Applicability.
14	79:218	89–73	303(b)(4)	714	94–135	104(a)	Former par. 3 redesignated as (4).

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July 14	79:218	89–73	303(b)(4)	715	94–135	104(d)	Amendment.
14	79:218	89–73	304(c)(2)	716	94–135	106(c)	Amendment.
14	79:218	89–73	304(c)(4)(C)–(F)	715	94–135	105(a)	Subpar. (C) deleted; (D)–(F) redesignated as (C)–(E).
14	79:218	89–73	304(d)	715	94–135	105(b)	Addition.
14	79:218	89–73	305(a)(10)	715	94–135	106(a)	Addition.
14	79:218	89–73	305(b)–(f)	715	94–135	106(b)	Subsecs. (b)–(e) redesignated as (c)–(f); new (b) added.
14	79:218	89–73	305(e)	725	94–135	114(e)	Amendment.
14	79:218	89–73	306(b)(1)(A)	716	94–135	107(a)	Amendment.
14	79:218	89–73	306(b)(1)(B)	716	94–135	107(a)	Amendment.
14	79:218	89–73	306(b)(2)–(4)	716	94–135	107(b)	Par. (2) redesignated as (4); new (2), (3) added.
14	79:218	89–73	308(a)(5)–(7)	717	94–135	108	Addition.
14	79:218	89–73	308(b)	719	94–135	112(c)	Amendment.
14	79:218	89–73	403	717	94–135	109	Amendment.
14	79:218	89–73	404(a)(1)–(6)	718	94–135	110(a), (b)	Par. (1) deleted; (2)–(5) redesignated as (3)–(6); new (1), (2) added.
14	79:218	89–73	404(c)	718	94–135	110(c)	Addition.
14	79:218	89–73	431	720	94–135	112(d)	Amendment.
14	79:218	89–73	432(b)	725	94–135	114(f)	Amendment.
14	79:218	89–73	505(a)	720	94–135	112(e)	Amendment.
14	79:218	89–73	507(b)	725	94–135	114(g)	Amendment.
14	79:218	89–73	703	725	94–135	114(h)	Heading amended.
14	79:218	89–73	703(c)	726	94–135	114(i)	Amendment.
14	79:218	89–73	703(d)	726	94–135	114(j)	Amendment.
14	79:218	89–73	705(a)(2)	726	94–135	114(k)	Amendment.
14	79:218	89–73	705(a)(2)(B)	726	94–135	114(l)	Amendment.
14	79:218	89–73	705(a)(5)	726	94–135	114(m)	Amendment.
14	79:218	89–73	705(c)	726	94–135	114(n)	Amendment.
14	79:218	89–73	706(a)(5)	726	94–135	114(o)	Amendment.
14	79:218	89–73	706(a)(8)	726	94–135	114(p)	Amendment.
14	79:218	89–73	707(a)(1)	718	94–135	111(a)	Existing text designated as par. (1).
14	79:218	89–73	707(a)(1)	719	94–135	111(c)	Amendment.
14	79:218	89–73	707(a)(2)–(4)	718	94–135	111(a)	Subsecs. (b)–(d) redesignated as pars. (2)–(4).
14	79:218	89–73	707(a)(2)	719	94–135	111(c)	Amendment.
14	79:218	89–73	707(a)(3)	719	94–135	111(c)	Amendment.
14	79:218	89–73	707(a)(4)	719	94–135	111(b), (f)	Amendment.
14	79:218	89–73	707(b)–(e)	718	94–135	111(a)	Former subsecs. (b)–(d) redesignated as pars. (2)–(4) of subsec. (a); (e) redesignated as (b); new (c) added.
14	79:218	89–73	707(d)	718	94–135	111(a)	Amendment.
14	79:218	89–73	707(d)	719	94–135	111(d)	Addition.
14	79:218	89–73	708	719	94–135	111(e)	Amendment.
14	79:218	89–73	708	720	94–135	112(f)	Amendment.
14	79:218	89–73	901–908	720	94–135	113(a)	Addition (title IX).
22	79:244	89–80	101	575	94–112	1(a)	Amendment.
22	79:244	89–80	105(a)(5)	575	94–112	1(b)	Amendment.
22	79:244	89–80	205(a)(4)	575	94–112	1(c)	Amendment.
22	79:244	89–80	301(a)	575	94–112	1(d)	Amendment.
22	79:244	89–80	401(c)	575	94–112	1(e)	Amendment.
Aug. 6	79:437	89–110	2	402	94–73	206	Amendment.

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Aug. 6	79:437	89–110	3	402, 404, 406	94–73	205, 206, 401, 410	Amendment.
6	79:437	89–110	4(a)	400–402	94–73	101, 201(1)–(4), 206	Amendment.
6	79:437	89–110	4(b)	401	94–73	202	Amendment.
6	79:437	89–110	4(d)	402	94–73	206	Amendment.
6	79:437	89–110	4(f)	401	94–73	203	Addition.
6	79:437	89–110	5	402	94–73	204, 206	Amendment.
6	79:437	89–110	5	404, 405	94–73	405(1)–(3)	Amendment.
6	79:437	89–110	6	402	94–73	205, 206	Amendment.
6	79:437	89–110	10(b)	405	94–73	408(2)	Amendment.
6	79:437	89–110	10(d)	405	94–73	408(1), (3)	Deletion.
6	79:437	89–110	11(c)	404	94–73	404	Amendment.
6	79:437	89–110	11(e)	405	94–73	409	Addition.
6	79:437	89–110	13	402	94–73	206	Amendment.
6	79:437	89–110	14(c)(3)	402	94–73	207	Addition.
6	79:437	89–110	14(e)	404	94–73	402	Addition.
6	79:437	89–110	201(a)	400	94–73	102(1), (2)	Amendment.
6	79:437	89–110	203–206	403, 402	94–73	302, 301	Secs. 203–205 redesignated as 204–206; new 203 added.
6	79:437	89–110	203	403, 405	94–73	303, 406	Former sec. 203 amended.
6	79:437	89–110	204	403	94–73	304	Former sec. 204 amended.
6	79:437	89–110	207	404	94–73	403	Addition.
6	79:437	89–110	301–302	405	94–73	407	Revision.
26	79:552	89–136	104	1086	94–188	123	Repeal.
26	79:552	89–136	501(a)	1091	94–188	209(a)	Amendment.
26	79:552	89–136	502(b)	1091	94–188	208(a)	Amendment.
26	79:552	89–136	502(c)	1091	94–188	208(b)	Amendment.
26	79:552	89–136	502(d)	1091	94–188	208(c), (d)	Amendment.
26	79:552	89–136	502(f)	1091	94–188	209(b)	Amendment.
26	79:552	89–136	509(d)	1087	94–188	202	Revision.
26	79:552	89–136	513	1087	94–188	203	Revision.
26	79:552	89–136	515	1088	94–188	204	Addition.
26	79:552	89–136	516	1088	94–188	205	Addition.
26	79:552	89–136	517	1090	94–188	206	Addition.
Nov. 8	79:1219	89–329	----------	180	94–32	----------	Exception.
8	79:1219	89–329	110(b)	726	94–135	201	Amendment.
8	79:1219	89–329	446(a)	233, 234	94–43	2, 5(a)	Existing text designated as subsec. (a).
8	79:1219	89–329	446(b)	233, 234	94–43	2, 5(a)	Addition.
1966							
Sept. 16	80:772	89–577	2(e)	226	94–41	101(b)	Repeal.
16	80:772	89–577	10	226	94–41	101(b)	Repeal.
16	80:772	89–577	11	226	94–41	101(b)	Repeal.
16	80:772	89–577	12	226	94–41	101(b)	Amendment.
21	80:823	89–597	7	1124	94–200	101	Amendment. (See also 1913, P.L. 43, sec. 19(j); 1932, P.L. 304, sec. 5B; 1950, P.L. 797, sec. 2, " Sec. 18(g).").
Oct. 11	80:885	89–642	3	522	94–105	15(1)	Amendment.
11	80:885	89–642	3	522	94–105	15(2)	Amendment.
11	80:885	89–642	4(a)	511	94–105	2	Amendment.
11	80:885	89–642	4(b)(1)	522	94–105	15(b)	Amendment.
11	80:885	89–642	4(f)	525	94–105	17(a)	Amendment.
11	80:885	89–642	4(g)	511	94–105	3	Addition.
11	80:885	89–642	5(b)	525	94–105	18(a)	Amendment.
11	80:885	89–642	5(e)	525	94–105	18(b)	Revision.
11	80:885	89–642	15(a)	522	94–105	15(c)	Amendment.

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1966							
Oct. 11	80:885	89–642	15(c)–(e)	525	94–105	17(b)	Subsec. (c) deleted; (d) redesignated as (c) and revised; (e) redesignated as (d).
11	80:885	89–642	17	518	94–105	14	Revision.
11	80:885	89–642	17(a)	96	94–28	1(a)	Amendment.
11	80:885	89–642	17(b)	96	94–28	1(b)	Amendment.
11	80:885	89–642	17(b)	229	94–41	101(f)	Exception.
11	80:885	89–642	18	528	94–105	23	Addition.
15	80:920	89–667	2(b)	1029	94–174	----------	Amendment.
15	80:931	89–670	4(i)(2)	93	94–25	13	Amendment.
Nov. 3	80:1191	89–750	310(b)	726	94–135	202	Amendment.
1967							
July 28	81:127	90–57	105(d)(1)(A)	274	94–59	102	Table revised.
28	81:127	90–57	105(e)(3)	183	94–32	----------	Exception.
Oct. 21	81:279	90–110	101	548	94–107	104(a)	Amendment.
21	81:279	90–110	802(1)	548	94–107	104(b)	Amendment.
Dec. 16	81:613	90–206	225(f)(A)	423	94–82	206(a)(1)–(3), (b)	Amendment; savings provision.
1968							
Jan. 2	81:773	90–239	502	1039	94–180	201	Amendment.
2	81:783	90–247	408(a)(3)	1105	94–194	8	Exception.
2	81:783	90–247	421A(c)(2)(A)	469	94–94	----------	Exception.
2	81:783	90–247	431(d)(1)	796	94–142	7 (a)(1), (b), 8(b)	Amendment.
2	81:783	90–247	431(d)(2)	796	94–142	7(a)(2), (3), 8(b)	Amendment.
Mar. 28	82:64	90–275	4	1019	94–169	107	Revision. (See also 1959, P.L. 86–211).
May 29	82:146	90–321	121(c)	1159, 1160	94–205	11, 12	Repeal.
June 19	82:197	90–351	804(h)	1031	94–176	----------	Amendment.
July 21	82:367	90–408	201	552	94–107	203(a)(1), (2)	Amendment.
21	82:367	90–408	802(2)	552	94–107	203(b)	Amendment.
Aug. 1	82:476	90–448	1336(a)	1028	94–173	5	Amendment.
Oct. 2	82:906	90–542	3(a)(11)	1117	94–199	3(a)	Addition.
2	82:906	90–542	3(a)(12)	1117	94–199	3(a)	Addition.
2	82:906	90–542	5(a)(57)	1118	94–199	5(a)	Addition.
22	82:1320	90–629	42(a)	760	94–141	150(b)	Amendment.
1969							
Dec. 30	83:841	91–184	3(2)(A)	878	94–163	103(c)	Exception.
30	83:841	91–184	7	900	94–163	254(e)(3)	Exception.
1970							
Jan. 1	83:852	91–190	102(2)(D)–(I)	424	94–83	----------	Subsecs. (D)–(H) redesignated as (E)–(I); new (D) added.
1	83:852	91–190	203(a)	258	94–52	2	Existing text designated as subsec. (a).
1	83:852	91–190	203(b)	258	94–52	2	Addition.
1	83:852	91–190	207–209	258	94–52	3	Sec. 207 redesignated as 209; new 207, 208 added.
Apr. 3	84:91	91–224	205	258	94–52	1	Revision.
13	84:121	91–230	601	775, 796	94–142	3(b), 8(b)	Heading revised.
13	84:121	91–230	601(a)	774, 796	94–142	3(a), 8(b)	Existing text designated as subsec. (a).
13	84:121	91–230	601(1)	775, 796	94–142	4(a)(1), 8(c)	Amendment; effective date.
13	84:121	91–230	601(b)	774, 796	94–142	3(a), 8(b)	Addition.
13	84:121	91–230	601(c)	774, 796	94–142	3(a), 8(b)	Addition.

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1970							
Apr. 13	84:121	91–230	602	776, 796	94–142	4(b), 8(c)	Heading revised.
13	84:121	91–230	602(5)	775, 796	94–142	4(a)(2), 8(c)	Amendment; effective date.
13	84:121	91–230	602(15)	775, 796	94–142	4(a)(3), 8(c)	Amendment; effective date.
13	84:121	91–230	602(16)–(22)	775, 796	94–142	4(a)(4), 8(c)	Addition; effective date.
13	84:121	91–230	606	795, 796	94–142	6(a), 8(b)	Addition.
13	84:121	91–230	607	795, 796	94–142	6(a), 8(b)	Addition.
13	84:121	91–230	611–620	794, 796	94–142	5(a), 8(c)	Revision; effective date.
13	84:121	91–230	611	773, 796	94–142	2(b)(1), 8(a)	Effective date of 1974 amendment, extension.
13	84:121	91–230	611	774	94–142	2(e)	Exception.
13	84:121	91–230	611(a)(5)(A)(ii)	794	94–142	5(c)	Deletion; cl. (iii) redesignated as (ii); effective date.
13	84:121	91–230	611(a)(5)(A)(iii)	794	94–142	5(c)	Redesignated as cl. (ii); effective date.
13	84:121	91–230	611(b)(2)	773, 796	94–142	2(a)(1)(A), 8(a)	Amendment.
13	84:121	91–230	611(c)(1)	773, 796	94–142	2(a)(1)(B), 8(a)	Amendment.
13	84:121	91–230	611(c)(2)	773, 796	94–142	2(a)(2), 8(a)	Amendment.
13	84:121	91–230	611(d)	773, 796	94–142	2(a)(3), 8(a)	Amendment.
13	84:121	91–230	612	773, 796	94–142	2(b)(2), 8(a)	Effective date of 1974 amendment, extension.
13	84:121	91–230	612(a)	773, 796	94–142	2(a)(4)(A), (B), 8(a)	Amendment.
13	84:121	91–230	612(a)	774, 796	94–142	2(c), 8(a)	Amendment.
13	84:121	91–230	612(d)	774, 796	94–142	2(d), 8(b)	Addition.
13	84:121	91–230	613(a)	774, 796	94–142	2(b)(3), 8(a)	Effective date of 1974 amendment, extension.
13	84:121	91–230	653	795, 796	94–142	6(b), 8(b)	Revision.
June 2	84:299	91–273	101(b)(1)	1067, 1073	94–187	103(a)(1), 203(a)	Amendment.
2	84:299	91–273	101(b)(9)	1067	94–187	103(a)(2)	Amendment.
2	84:299	91–273	106	1068, 1069	94–187	103(d), 201	Deletion; new sec. 106 added.
July 7	84:409	91–307	6	1030	94–175	----------	Revision.
29	84:472	91–357	4	682	94–128	----------	Amendment.
Aug. 10	84:695	91–373	203(e)(2)	238	94–45	102(b)	Amendment.
15	84:796	91–379	211	963	94–163	523(b)	Applicability.
Oct. 16	84:971	91–458	211(c)(10)	263	94–56	2(1), (2)	Former par. (10) redesignated as (11); new (10) added.
16	84:971	91–458	211(c)(11)	263	94–56	2(1), (2)	Par. (10) redesignated as (11).
16	84:971	91–458	212	263	94–56	3	Revision.
26	84:1140	91–510	491(c)	833	94–157	113	Nonapplicability.
26	84:1140	91–510	491(d)	833	94–157	113	Nonapplicability.
26	84:1204	91–511	201	552	94–107	204(a)(1)	Amendment.
26	84:1204	91–511	301	556	94–107	304(a)(1)–(3)	Amendment.
26	84:1204	91–511	602(2)	552	94–107	204(b)	Amendment.
26	84:1204	91–511	602(3)	556	94–107	304(b)	Amendment.
30	84:1327	91–518	303(d)	90	94–25	2	Amendment.
30	84:1327	91–518	305(f)	90	94–25	3	Deletion.
30	84:1327	91–518	305(h)	90	94–25	3	Addition.
30	84:1327	91–518	308(b)	90	94–25	4(a)	Amendment.
30	84:1327	91–518	308(c)	90	94–25	4(b)	Amendment.
30	84:1327	91–518	403(b)	90	94–25	6	Amendment.
30	84:1327	91–518	403(c)	90	94–25	5(1), (2)	Amendment.
30	84:1327	91–518	404(b)(1)	90	94–25	7(1)	Amendment.

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1970							
Oct. 30	84:1327	91–518	404(b)(2)	90	94–25	7(2)	Amendment.
30	84:1327	91–518	404(b)(3)	90	94–25	7(1)	Amendment.
30	84:1327	91–518	404(b)(3)	91	94–25	8	Exception.
30	84:1327	91–518	404(c)	90	94–25	8	Addition.
30	84:1327	91–518	501–503	92	94–25	9	Deletion.
30	84:1327	91–518	601	92	94–25	10(1), (2)	Amendment.
30	84:1327	91–518	602(a)	92	94–25	11(1)	Deletion; new subsec. (a) added.
30	84:1327	91–518	602(c)	92	94–25	11(2)	Deletion; new subsec. (c) added.
30	84:1327	91–518	602(d)	92	94–25	11(3)	Amendment.
30	84:1327	91–518	602(g)	92	94–25	11(4)	Amendment.
30	84:1327	91–518	602(i)	92	94–25	11(5)	Amendment.
30	84:1327	91–518	701(c)	93	94–25	12	Amendment.
Dec. 24	84:1504	91–572	5	307, 352	94–63	203(b), 608	Repeal.
30	84:1636	91–598	9(c)	163, 170	94–29	26, 31(a)	Revision.
30	84:1670	91–601	----------	752	94–140	4(i)	Effective date of 1972 amendment, extension.
31	84:1848	91–616	333	609	94–120	4(a)	Applicability.
1971							
Jan. 8	84:1946	91–656	4(d)	422	94–82	204(d)	Amendment.
12	84:2053	91–672	10	226, 229	94–41	101(b), (e)	Exception.
July 9	85:125	92–51	----------	289	94–59	----------	Amendment.
Aug. 16	85:344	92–125	4	384	94–69	2(1), (2)	Amendment.
16	85:344	92–125	7	384	94–69	1	Amendment.
Oct. 27	85:394	92–145	101	548	94–107	105(a)	Amendment.
27	85:394	92–145	301	556	94–107	305(a)(1)	Amendment.
27	85:394	92–145	702(1)	548	94–107	105(b)	Amendment.
27	85:394	92–145	702(3)	556	94–107	305(b)	Amendment.
Dec. 10	85:583	92–181	3.8(d)	1060	94–184	1(a)	Amendment.
10	85:583	92–181	5.24	1060	94–184	1(b)	Amendment.
18	85:688	92–203	----------	1148	94–204	6	Exception.
18	85:688	92–203	----------	1152, 1154	94–204	12(c), (h)	Exception.
18	85:688	92–203	----------	1156	94–204	18	Applicability.
18	85:688	92–203	7(j)	1148	94–204	6	Exception.
18	85:688	92–203	7(m)	1148	94–204	6	Exception.
18	85:688	92–203	16(b)	1150	94–204	10	Amendment.
18	85:688	92–203	16(d)	1150	94–204	9	Addition.
18	85:688	92–203	17(a)(10)	1149	94–204	7	Revision.
18	85:688	92–203	21(f)	1154	94–204	13	Addition.
18	85:688	92–203	22(e)	1152	94–204	12(b)(6)	Applicability.
18	85:688	92–203	22(f)	1156	94–204	17	Revision.
18	85:688	92–203	22(l)	1151	94–204	12(b)(6)	Nonapplicability.
18	85:688	92–203	28	1147	94–204	3	Addition.
18	85:688	92–203	29	1147	94–204	4	Addition.
18	85:688	92–203	30	1148	94–204	6	Addition.
22	85:743	92–210	4	742	94–136	601	Repeal.
1972							
June 16	86:222	92–314	----------	1068	94–187	104(a)	Project rescission.
23	86:235	92–318	716(b)	233	94–43	3	Amendment.
Aug. 29	86:644	92–412	208(b)(1)	432	94–87	1	Amendment.
29	86:644	92–412	209	432	94–87	2	Amendment.
29	86:644	92–412	210	432	94–87	3	Deletion; new sec. 210 added.
Oct. 6	86:770	92–463	----------	500	94–103	126(a)(1)	Nonapplicability.
6	86:770	92–463	----------	811, 815	94–152	3	Applicability.
6	86:770	92–463	14(a)	341	94–63	401(b)	Nonapplicability.
9	86:795	92–480	2	578	94–114	3(b)	Repeal.
13	86:806	92–488	5	578	94–114	3(c)	Amendment.
20	86:947	92–513	2	901	94–163	301	Amendment.
20	86:947	92–513	501–512	901	94–163	301	Addition.
21	86:973	92–516	2	752	94–140	4(i)	Effective date of 1972 revision, extension.

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1972							
Oct. 21	86:973	92–516	2, "Sec. 2 (u)"	754	94–140	9	Revision.
21	86:973	92–516	2, "Sec. 3(c) (1)(D)"	755	94–140	12	Revision.
21	86:973	92–516	2, "Sec. 4(a) (1)"	753	94–140	5	Amendment.
21	86:973	92–516	2, "Sec. 4 (c)"	754	94–140	11	Addition.
21	86:973	92–516	2, "Sec. 5 (a)–(f)"	754	94–140	10	Exception.
21	86:973	92–516	2, "Sec. 5 (g)"	754	94–140	10	Addition.
21	86:973	92–516	2, "Sec. 6 (b)"	751	94–140	1(1), (2)	Amendment; exception.
21	86:973	92–516	2, "Sec. 11 (c)"	754	94–140	11	Addition.
21	86:973	92–516	2, "Sec. 18"	754	94–140	8	Amendment.
21	86:973	92–516	2, "Sec. 21 (a)"	752	94–140	2(b)	Amendment.
21	86:973	92–516	2, "Sec. 25 (a)(1)"	751	94–140	2(a)(1), (2)	Existing text designated as par. (1); amendment.
21	86:973	92–516	2, "Sec. 25 (a)(2)"	752	94–140	2(a)(3)	Addition.
21	86:973	92–516	2, "Sec. 25 (a)(3)"	753	94–140	6	Addition.
21	86:973	92–516	2, "Sec. 25 (d)"	751	94–140	1	Exception.
21	86:973	92–516	2, "Sec. 25 (d)"	753	94–140	7	Addition.
21	86:973	92–516	2, "Sec. 27"	257	94–51	----------	Amendment.
21	86:973	92–516	2, "Sec. 27"	571	94–109	----------	Amendment.
21	86:973	92–516	2, "Sec. 27"	752	94–140	3	Amendment.
21	86:973	92–516	4(b)	752	94–140	4(i)	Amendment.
21	86:973	92–516	4(c)(2)	752	94–140	4(ii)	Amendment.
21	86:973	92–516	4(c)(3)	752	94–140	4(iii)	Amendment.
21	86:973	92–516	4(c)(4)	753	94–140	4(iv)	Amendment.
21	86:973	92–516	4(c)(4)(B)	753	94–140	4(v)	Amendment.
23	86:1052	92–532	111	303	94–62	1	Amendment.
23	86:1052	92–532	202(c)	303	94–62	2	Amendment.
23	86:1052	92–532	204	303	94–62	3	Amendment.
23	86:1052	92–532	304	303	94–62	4	Revision.
25	86:1109	92–544	----------	187	94–32	----------	Exception.
25	86:1109	92–544	----------	216	94–37	----------	Exception.
25	86:1109	92–544	----------	761	94–141	202	Exception.
25	86:1109	92–544	----------	762	94–141	203	Amendment.
25	86:1109	92–544	----------	837	94–157	----------	Exception.
25	86:1135	92–545	201	552	94–107	205(a)(1), (2)	Amendment.
25	86:1135	92–545	301	557	94–107	306(a)(1)	Amendment.
25	86:1135	92–545	401	558	94–107	403(a)	Amendment.
25	86:1135	92–545	702(2)	552	94–107	205(b)	Amendment.
25	86:1135	92–545	702(3)	557	94–107	306(b)	Amendment.
25	86:1135	92–545	702(4)	558	94–107	403(b)	Amendment.
30	86:1329	92–603	222(a)	1053	94–182	107	Exception.
31	86:1498	92–607	506(a)(8)	274	94–59	103(1)	Amendment.
31	86:1498	92–607	506(e)	274	94–59	103(2)	Deletion; new subsec. (e) added.
1973							
May 3	87:30	93–29	805	726	94–135	203(1), (2)	Amendment.
3	87:30	93–29	901–908	725	94–135	113(b)	Repeal (title IX).
3	87:30	93–29	906	227	94–41	101(e)	Exception.
July 6	87:143	93–60	----------	1068	94–187	104(b)	Project rescission.
6	87:143	93–60	101(b)(1)	1068, 1073	94–187	103(b)(1), 203(b)	Amendment.

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1973							
July 6	87:143	93–60	101(b)(2)	1068	94–187	103(b)(2)	Amendment.
Aug. 13	87:250	93–87	164(a)	2–1	93–650	1(b)(2)	Amendment.
13	87:250	93–87	164(a)(3)	2–1	93–650	1(b)(1)(1), (2)	Deletion.
Sept. 26	87:355	93–112	3(a)	2–3	93–651	101(a)	Revision.
26	87:355	93–112	7(6)	2–5	93–651	111(a)	Amendment.
26	87:355	93–112	100(b)	2–3	93–651	102(a)(1), (2)	Amendment.
26	87:355	93–112	101(a)(6)	2–5	93–651	111(b)	Amendment.
26	87:355	93–112	101(a)(9)(c)	2–5	93–651	111(c)	Amendment.
26	87:355	93–112	101(a)(15)	2–5	93–651	111(d)	Amendment.
26	87:355	93–112	102(a)	2–5	93–651	111(e)(1)	Amendment.
26	87:355	93–112	102(c)(1)	2–5	93–651	111(e)(2)	Amendment.
26	87:355	93–112	102(c)(2)	2–5	93–651	111(e)(3)	Amendment.
26	87:355	93–112	102(c)(3)	2–5	93–651	111(e)(4)	Amendment.
26	87:355	93–112	112(a)	2–5	93–651	111(f)(1), (2)	Amendment.
26	87:355	93–112	130(b)	2–6	93–651	111(g)	Amendment.
26	87:355	93–112	201(a)	2–3	93–651	103(1), (2), (3)	Amendment.
26	87:355	93–112	202(a)	2–6	93–651	111(h)	Amendment.
26	87:355	93–112	301(a)	2–4	93–651	104(1), (2)	Amendment.
26	87:355	93–112	302(a)	2–4	93–651	105	Amendment.
26	87:355	93–112	304(a)(1)	2–4	93–651	106	Amendment.
26	87:355	93–112	304(b)	2–6	93–651	111(i)(1), (2)	Amendment.
26	87:355	93–112	304(c)	2–5	93–651	111(j)	Amendment.
26	87:355	93–112	304(e)(1)	2–6	93–651	111(k)	Amendment.
26	87:355	93–112	305(a)	2–4	93–651	107	Amendment.
26	87:355	93–112	306(b)	2–6	93–651	111(l)(1)	Amendment.
26	87:355	93–112	306(b)(4)	2–6	93–651	111(l)(2)	Amendment.
26	87:355	93–112	403	2–4	93–651	108	Amendment.
26	87:355	93–112	405(c)	2–6	93–651	111(m)(1), (2)	Amendment.
26	87:355	93–112	405(d)	2–4	93–651	109	Amendment.
26	87:355	93–112	502(a)	2–6	93–651	111(n)(2)	Amendment.
26	87:355	93–112	502(a)(6)–(9)	2–6	93–651	111(n)(1)	Cls. (6)–(8) redesignated as (7)–(9); new (6) added.
26	87:355	93–112	502(d)	2–6	93–651	111(o)(1), (2)	Amendment.
26	87:355	93–112	502(e)	2–6	93–651	111(p)	Amendment.
26	87:355	93–112	502(g)	2–6	93–651	111(q)	Amendment.
26	87:355	93–112	502(h)	2–4	93–651	110	Amendment.
Oct. 1	87:394	93–113	105(a)(1)	684	94–130	5(a), (b)	Amendment; effective date.
1	87:394	93–113	211(a)	727	94–135	205(b)(1)(A), (B)	Amendment.
1	87:394	93–113	211(b)	727	94–135	205(b)(2)	Amendment.
1	87:394	93–113	212(a)(1)	727	94–135	205(b)(3)	Amendment.
1	87:394	93–113	502(a)	727	94–135	205(a)(1)(A), (B)	Amendment.
1	87:394	93–113	502(b)(1)	727	94–135	205(a)(2)(A)–(D)	Amendment.
19	87:456	93–129	8(a)	508	94–104	1(1), (2)	Amendment.
Nov. 16	87:576	93–153	406	946	94–163	401(b)(4), (5)	Repeal.
16	87:605	93–155	101	539	94–106	809	Nonapplicability.
27	87:627	93–159	----------	955	94–163	461	Exception.
27	87:627	93–159	----------	955	94–163	461	Expiration date of certain authority; savings provision.
27	87:627	93–159	4(a)	946	94–163	401(b)(2)(A), (B), (5)	Amendment.
27	87:627	93–159	4(b)(1)(A)	948, 956	94–163	451(a), 463	Revision.
27	87:627	93–159	4(b)(1)(G)	948, 956	94–163	451(b), 463	Revision.
27	87:627	93–159	4(b)(2)	946, 947	94–163	402(a), (b)	Revision.

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1973							
Nov. 27	87:627	93–159	4(b)(2)	955	94–163	461	Termination date of limitations on Presidential authority.
27	87:627	93–159	4(c)(1)	946	94–163	401(b)(3), (5)	Amendment.
27	87:627	93–159	4(c)(4)	946	94–163	401(b)(3), (5)	Amendment.
27	87:627	93–159	4(c)(5)	946	94–163	401(b)(3), (5)	Amendment.
27	87:627	93–159	4(d)	946	94–163	401(b)(1), (5)	Repeal; subsec. (f) redesignated as (d).
27	87:627	93–159	4(d)	946	94–163	401(b)(2)	Applicability.
27	87:627	93–159	4(e)	946	94–163	401(b)(1), (5)	Repeal.
27	87:627	93–159	4(e)	948	94–163	403(a), (b)	Addition.
27	87:627	93–159	4(e)	952	94–163	455	Exception.
27	87:627	93–159	4(f)	946	94–163	401(b)(1), (5)	Redesignated as subsec. (d).
27	87:627	93–159	4(g)	946	94–163	401(b)(1), (5)	Repeal.
27	87:627	93–159	4(g)(1)	481	94–99	2	Amendment.
27	87:627	93–159	4(g)(1)	694	94–133	1, 2	Amendment.
27	87:627	93–159	5(a)(1)	949, 956	94–163	452(1), 463	Amendment.
27	87:627	93–159	5(a)(3)	949, 956	94–163	452(2), 463	Addition.
27	87:627	93–159	5(a)(3)(B)	958	94–163	502(e)(2)	Applicability.
27	87:627	93–159	5(a)(4)	949, 956	94–163	452(2), 463	Addition.
27	87:627	93–159	5(a)(4)	958	94–163	502(e)(2)	Applicability.
27	87:627	93–159	6(c)	949, 956	94–163	453, 463	Revision.
27	87:627	93–159	8	941, 956	94–163	401(a), 463	Addition.
27	87:627	93–159	8	955	94–163	461	Termination date of limitations on Presidential authority.
27	87:627	93–159	9	941, 956	94–163	401(a), 463	Addition.
27	87:627	93–159	9	955	94–163	461	Termination date of limitations on Presidential authority.
27	87:627	93–159	10	947	94–163	402(c), (b)	Addition.
27	87:627	93–159	11	950, 956	94–163	454, 463	Addition.
27	87:627	93–159	12	950, 956	94–163	455, 463	Addition.
27	87:627	93–159	12	955	94–163	460	Exception.
27	87:627	93–159	13	952, 956	94–163	456, 463	Addition.
27	87:627	93–159	14	953, 956	94–163	457, 463	Addition.
27	87:627	93–159	15	953, 956	94–163	458, 463	Addition.
27	87:627	93–159	16	954, 956	94–159	459, 463	Addition.
27	87:627	93–159	17	955, 956	94–163	460, 463	Addition.
27	87:627	93–159	18	955, 956	94–163	461, 463	Addition.
27	87:627	93–159	19	955	94–163	462	Addition.
29	87:661	93–166	101	549	94–107	106(a)(1)–(8)	Amendment.
29	87:661	93–166	201	553	94–107	206(a)(1)–(10)	Amendment.
29	87:661	93–166	301	557	94–107	307(a)(1), (b)(1), (2)	Amendment.
29	87:661	93–166	401	559	94–107	404(a)	Amendment.
29	87:661	93–166	507(b)	561	94–107	506(b)	Amendment.
29	87:661	93–166	602(1)	549	94–107	106(b)	Amendment.
29	87:661	93–166	602(2)	553	94–107	206(b)	Amendment.
29	87:661	93–166	602(3)	557	94–107	307(c)	Amendment.
29	87:661	93–166	602(4)	559	94–107	404(b)	Amendment.
Dec. 10	87:697	93–178	1	4	94–2	----------	Repeal.
28	87:909	93–211	3	870	94–162	----------	Amendment.
31	87:947	93–233	8(a)(1)	235	94–44	3(a)	Amendment. (See also 1964, P.L. 88–525, sec. 3(e).)

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Dec. 31	87:947	93–233	8(a)(2)	235	94–44	3(b)	Effective date, temporary suspension. (See also 1964, P.L. 88–525, sec. 3(e).)
31	87:947	93–233	8(b)(1)	235	94–44	3(b)	Effective date, temporary suspension. (See also 1964, P.L. 88–525, sec. 3(e).)
31	87:947	93–233	8(b)(2)	235	94–44	3(b)	Amendment. (See also 1949, P.L. 439, sec. 416.)
31	87:947	93–233	8(b)(3)	235	94–44	3(b)	Amendment.
31	87:947	93–233	8(e)	235	94–44	3(b)	Amendment.
31	87:975	93–234	202(b)	256	94–50	303	Amendment.
31	87:975	93–234	202(b)	1116	94–198	----------	Amendment.
1974							
Jan. 2	87:985	93–236	202(b)(2)	7	94–5	2(a)(1)	Amendment.
2	87:985	93–236	202(b)(7)	7	94–5	2(a)(2)	Amendment.
2	87:985	93–236	202(b)(8)	7	94–5	2(a)(3)	Addition.
2	87:985	93–236	205(d)(2)	7	94–5	3	Revision.
2	87:985	93–236	206(a)(1)	7	94–5	2(b)	Amendment.
2	87:985	93–236	207(a)(2)	7	94–5	4(b)	Amendment.
2	87:985	93–236	207(b)(1)	7	94–5	4(a)	Existing text designated as par. (1).
2	87:985	93–236	207(b)(2)	7	94–5	4(a)	Addition.
2	87:985	93–236	210(b)	9	94–5	7	Exception.
2	87:985	93–236	211(a)	8	94–5	5(a)	Amendment.
2	87:985	93–236	211(e)(1)	8	94–5	5(b)	Amendment.
2	87:985	93–236	211(f)	8	94–5	5(c)	Amendment.
2	87:985	93–236	213(a)	8	94–5	6(a)	Amendment.
2	87:985	93–236	213(b)	8	94–5	6(b)(1), (2)	Amendment.
2	87:985	93–236	215	8	94–5	7	Revision.
2	87:985	93–236	303(c)(1)	9	94–5	8	Amendment.
2	87:985	93–236	303(c)(1)(C)	9	94–5	8	Addition.
2	87:985	93–236	605	9	94–5	9	Addition.
2	87:1061	93–242	----------	266, 268	94–58	2, 4(a)	Expiration date, extension (except sec. 15).
2	87:1061	93–242	2(a)	266, 268	94–58	3(a), 4(b)	Amendment.
2	87:1061	93–242	3(a)	266, 268	94–58	3(b)(1), 4(b)	Amendment.
2	87:1061	93:242	3(f)	266, 268	94–58	3(b)(2)(A)–(C), 4(b)	Amendment.
2	87:1061	93–242	4(d)(1)	266, 268	94–58	3(c)(1), 4(b)	Amendment.
2	87:1061	93–242	4(d)(2)	266–268	94–58	3(c)(2)(A), (B), (3)(A)–(F), 4(b)	Amendment.
2	87:1061	93–242	5	267, 268	94–58	3(d)(1), (2), 4(a)	Amendment.
2	87:1061	93–242	6(a)	267, 268	94–58	3(e), 4(b)	Amendment.
2	87:1061	93–242	8(a)	267, 268	94–58	3(f)(1)(A), 4(b)	Amendment.
2	87:1061	93–242	8(a)(4)	267, 268	94–58	3(f)(2), 4(b)	Amendment.
2	87:1061	93–242	8(a)(6)	267, 268	94–58	3(f)(1)(B)(C), 4(b)	Addition.
2	87:1061	93–242	8(b)	267, 268	94–58	3(f)(3), 4(b)	Amendment.
2	87:1061	93–242	9(a)	267, 268	94–58	3(g)(1), 4(b)	Amendment.
2	87:1061	93–242	9(b)	267, 268	94–58	3(g)(2), 4(b)	Amendment.
2	87:1061	93–242	9(c)	267, 268	94–58	3(g)(3), 4(b)	Amendment.
2	87:1061	93–242	13	266, 268	94–58	2, 4(a)	Amendment.

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1974							
May 7	88:96	93–275	14(b)	900	94–163	254(e)(2)	Exception.
7	88:96	93–275	17	815	94–152	3	Applicability.
7	88:96	93–275	17	898	94–163	253(a)	Applicability.
7	88:96	93–275	17(a)	816	94–152	3	Applicability.
10	88:115	93–276	----------	1068	94–187	104(c)	Project rescission.
10	88:115	93–276	101(b)(1)	1068	94–187	103(c)(1), (2)	Amendment.
10	88:115	93–276	101(b)(3)	1068	94–187	103(b)(3)	Amendment.
10	88:115	93–276	101(b)(6)	1068	94–187	103(c)(4)	Amendment.
10	88:115	93–276	101(b)(7)	1068	94–187	103(c)(5)	Amendment.
June 8	88:195	93–305	----------	180	94–32	----------	Amendment.
8	88:236	93–311	----------	742	94–136	601	Repeal.
8	88:236	93–311	1(j)	232	94–42	2	Amendment.
8	88:236	93–311	1(j)	483	94–100	2	Amendment.
22	88:246	93–319	2(a)	875	94–163	101(b)	Revision.
22	88:246	93–319	2(c)	875	94–163	101(c)	Amendment.
22	88:246	93–319	2(f)(1)	875	94–163	101(a)(1)	Amendment.
22	88:246	93–319	2(f)(2)	875	94–163	101(a)(2)	Amendment.
22	88:246	93–319	11	900	94–163	254(d)	Savings provision.
22	88:246	93–319	11	960	94–163	506	Expiration date, extension.
22	88:246	93–319	11(c)(3)	960	94–163	505(a), (b)	Addition.
22	88:246	93–319	11(d)	900	94–163	254(e)(1)	Exception.
22	88:246	93–319	11(g)(2)	960	94–163	506	Amendment.
22	88:246	93–319	13	900	94–163	254(d)	Savings provision.
30	88:281	93–324	----------	13	94–7	----------	Exception.
30	88:281	93–324	102(c)	13	94–7	----------	Amendment.
30	88:281	94–324	101(d)	13	94–7	----------	Amendment.
30	88:285	93–325	1	5	94–3	2	Repeal. (See also 1917, P.L. 43, sec. 21.).
July 12	88:297	93–344	201(f)	182	94–32	----------	Applicability.
25	88:391	93–357	2(a)	213	94–35	1(a)(1), (2)	Amendment.
25	88:391	93–357	2(b)	213	94–35	1(a)(3)	Amendment.
25	88:391	93–357	2(c)	213	94–35	1(a)(4)	Amendment.
25	88:391	93–357	2(f)	213	94–35	1(a)(5)	Revision.
25	88:391	93–357	3(a)(3)	213	94–35	1(b)	Amendment.
25	88:391	93–357	4	213	94–35	1(c)	Revision.
25	88:391	93–357	5	213	94–35	1(d)	Amendment.
25	88:391	93–357	8	214	94–35	1(e)	Revision.
25	88:391	93–357	10	214	94–35	1(f)	Amendment.
25	88:391	93–357	11	214	94–35	1(g)	Addition.
Aug. 5	88:399	93–365	101	539	94–106	809	Nonapplicability.
5	88:399	93–365	302(c)	540	94–106	814(c)	Amendment.
13	88:424	93–371	3(a)(1)	276	94–59	107	Existing text designated as par. (1).
13	88:424	93–371	3(a)(2)	276	94–59	107	Addition.
13	88:424	93–371	3(c)(1)	276	94–59	106 (a), (b)	Existing text designated as par. (1).
13	88:424	93–371	3(c)(2)	276	94–59	106 (a), (b)	Addition.
13	88:424	93–371	3(f)	183	94–32	4	Subsec. (f) redesignated as (g); new (f) added.
13	88:424	93–371	3(g)	183	94–32	4	Former subsec. (f) redesignated as (g).
13	88:424	93–371	4	832	94–157	111(b), (c)	Amendment.
13	88:424	93–371	106	300	94–59	1106	Repeal.
21	88:480	93–379	2(i)	1098	94–191	2	Revision.
21	88:484	93–380	614(a)	773, 796	94–142	2(b)(1), 8 (a)	Amendment. (See also 1970, P.L. 91–230, sec. 611).
21	88:484	93–380	614(b)	773, 796	94–142	2(b)(2), 8 (a)	Amendment. (See also 1970, P.L. 91–230, sec. 612).
21	88:484	93–380	614(c)	774, 796	94–142	2(b)(3), 8 (a)	Amendment. (See also 1970, P.L. 91–230, sec. 613(a)).

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Aug. 21	88:484	93–380	705(a)(3)	1103	94–194	1(a)	Addition.
21	88:484	93–380	705(a)(3)	1104	94–194	1(b)(3)	Repeal; effective date.
21	88:484	93–380	705(b)	1104	94–194	2(a)	Amendment.
21	88:484	93–380	705(c)	1104	94–194	2(b)	Amendment.
21	88:484	93–380	705(c)(3)	1104	94–194	2(c)	Amendment.
21	88:484	93–380	705(e)	1104	94–194	2(d)	Revision.
21	88:484	93–380	705(h)	1104	94–194	3	Addition.
21	88:484	93–380	714(f)	1104	94–194	4	Addition.
21	88:484	93–380	721(b)(1)	1107	94–194	10	Amendment.
21	88:484	93–380	723	1104	94–194	5	Amendment.
21	88:484	93–380	724	1103	94–194	1(b)(1), (2)	Addition.
21	88:484	93–380	725	1104	94–194	6	Addition.
21	88:484	93–380	725	1105	94–194	6(b)(1), (2)	Amendment.
21	88:484	93–380	726	1105	94–194	9(a)	Addition.
21	88:484	93–380	731(a)	1105	94–194	7	Amendment.
21	88:484	93–380	732(e)	1104	94–194	1(c)	Addition.
21	88:484	93–380	732(f)	1105	94–194	6(c)	Addition.
21	88:484	93–380	732(g)	1106	94–194	9(b)	Addition.
21	88:484	93–380	733	1105	94–194	8	Addition.
21	88:613	93–381	501	192	94–32	----------	Exception.
24	88:750	93–387	2(c)	411	94–78	2(a), (b)	Amendment.
24	88:750	93–387	2(g)	411	94–78	3	Addition.
24	88:750	93–387	3(a)(8)	411	94–78	4	Addition.
24	88:750	93–387	4(f)	412	94–78	5	Addition.
24	88:750	93–387	6	412	94–78	6	Amendment.
24	88:750	93–387	7	412	94–78	7	Amendment.
Sept. 2	88:829	93–406	1013(c)(2)	47	94–12	402(2)	Applicability.
2	88:829	93–406	1017(b)	47	94–12	402(1)	Amendment.
2	88:829	93–406	1017(b)	47	94–12	402(2)	Exception.
2	88:829	93–406	1017(c)(2)	47	94–12	402(2)	Exception.
2	88:829	93–406	1017(i)	47	94–12	402(2)	Addition.
Oct. 11	88:1233	93–438	201(a)(1)–(5)	413	94–79	201(1), (2)	Existing text designated as (1); new pars. (2)–(5) added.
11	88:1233	93–438	201(c)	414	94–79	202, 203	Amendment.
16	88:1305	93–445	101, "Sec. 5 (a)(ii)"	66	94–12	702(a)	Nonapplicability.
16	88:1305	93–445	101, "Sec. 15 (a)"	464	94–92	201(a)	Amendment.
16	88:1305	93–445	101, "Sec. 15 (b)"	464	94–92	201(b)	Amendment.
16	88:1305	93–445	101, "Sec. 15 (e)"	464	94–92	201(c)	Amendments.
16	88:1305	93–445	101, "Sec. 15 (h)"	465	94–92	201(d), (e)	Addition.
16	88:1305	93–445	204(c)	465	94–92	202(a), (b)	Addition.
18	88:1366	93–449	3(b)	256	94–50	207(1), (2)	Amendment. (See also 1934, P.L. 479, sec. 313).
23	88:1389	93–463	106	77	94–16	3	Amendment. (See also 1922, P.L. 331, sec. 14).
23	88:1389	93–463	203	77	94–16	2	Amendment. (See also 1922, P.L. 331, sec. 4j).
23	88:1389	93–463	404	78	94–16	4	Amendment. (See also 1922, P.L. 331, sec. 4a (3)).
26	88:1439	93–475	9(b)	764	94–141	401(b)	Repeal.
28	88:1500	93–495	203(b)	1124, 1125	94–200	201(1), (2)	Amendment.
Dec. 5	88:1604	93–510	----------	713	94–135	102	Nonapplicability.
22	88:1724	93–533	----------	1159	94–205	10	Nonapplicability.
22	88:1724	93–533	3(1)	1157, 1160	94–205	2(1), 12	Amendment.
22	88:1724	93–533	3(1)(A)	1157, 1160	94–205	2(2), 12	Amendment.

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Dec. 22	88:1724	93–533	3(1)(B)(iii)	1157, 1160	94–205	2(3)–(5), 12	Amendment.
22	88:1724	93–533	3(1)(B)(iv)	1157, 1160	94–205	2(6), 12	Amendment.
22	88:1724	93–533	4(a)	1157, 1160	94–205	3(1)–(3), 12	Existing text redesignated as subsec. (a) and amended.
22	88:1724	93–533	4(b)	1157, 1160	94–205	3(4), 12	Addition.
22	88:1724	93–533	5(c)–(e)	1158, 1160	94–205	4(1)–(4), 12	Subsec. (c) redesignated as (d) and amended; (d) redesignated as (e); new (c) added.
22	88:1724	93–533	6	1158, 1160	94–205	5, 12	Repeal.
22	88:1724	93–533	7	1158, 1160	94–205	6, 12	Repeal.
22	88:1724	93–533	8(c)(3)	1158, 1160	94–205	7, 12	Addition.
22	88:1724	93–533	8(c)(4)	1158, 1160	94–205	7, 12	Addition.
22	88:1724	93–533	10	1158, 1160	94–205	8, 12	Revision.
22	88:1724	93–533	18(a)	1159, 1160	94–205	9, 12	Designation " (a)" deleted.
22	88:1724	93–533	18(b)	1159, 1160	94–205	9, 12	Deletion.
22	88:1724	93–533	19	1159, 1160	94–205	10, 12	Sec. 19 redesignated as 20; new 19 added.
22	88:1724	93–533	20	1159, 1160	94–205	10, 12	Former sec. 19 redesignated as 20.
27	88:1745	93–552	101	549	94–107	107(a)(1)–(2), (b)	Amendment.
27	88:1745	93–552	201	553	94–107	207(a)(1)–(8)	Amendment.
27	88:1745	93–552	301	557	94–107	308(a)(1), (2)	Amendment.
27	88:1745	93–552	509	562	94–107	508	Amendment.
27	88:1745	93–552	602	549	94–107	107(c)	Amendment.
27	88:1745	93–552	602(2)	553	94–107	207(b)	Amendment.
27	88:1745	93–552	602(3)	557	94–107	308(b)	Amendment.
27	88:1745	93–552	605	564	94–107	605(b)	Exception.
27	88:1771	93–554	205	12	94–6	101	Repeal.
30	88:1795	93–559	54	866	94–166	313(b)	Amendment. (See also 1961 P.L. 87–195, sec. 305.)
31	88:1845	93–567	203(a)	240, 242	94–45	202, 204(c)	Existing text designated as subsec. (a).
31	88:1845	93–567	203(a)(4)	242	94–45	203(d), 204(c)	Amendment.
31	88:1845	93–567	203(b)	240, 242	94–45	202, 204(c)	Addition.
31	88:1845	93–567	205(b)	241, 242	94–45	203(b)(1)(A), 204(e)	Amendment.
31	88:1845	93–567	205(c)–(e)	242	94–45	203(b)(1)(B), 204(e)	Addition.
31	88:1845	93–567	206	240	94–45	201(a)	Amendment.
31	88:1845	93–567	206(a)	242	94–45	203(c), 204(c)	Existing text designated as subsec. (a).
31	88:1845	93–567	206(b)	242	94–45	203(c), 204(c)	Addition.
31	88:1845	93–567	208	240	94–45	201(b)(1), (2)	Amendment.
31	88:1845	93–567	210(c)	241, 242	94–45	203(a), 204(d)	Addition.
31	88:1869	93–572	----------	66	94–12	701(b)	Exception.

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1974							
Dec. 31	88:1869	93–572	----------	239	94–45	105	Exception.
31	88:1869	93–572	102(a)–(f)	238	94–45	103(a)	Exception.
31	88:1869	93–572	102(b)(2)	237, 238	94–45	101(c), (g)	Revision.
31	88:1869	93–572	102(c)(3)(A)(ii)	238	94–45	101(e), (g)	Amendment.
31	88:1869	93–572	102(c)(3)(B)(ii)	236, 238	94–45	101(a)(2), (g)	Revision.
31	88:1869	93–572	102(c)(3)(B)(i)(I)	236, 238	94–45	101(a)(1)(A), (g)	Part of existing text designated as subcl. (I).
31	88:1869	93–572	102(c)(3)(B)(i)(II)	236, 238	94–45	101(a)(1)(B), (g)	Addition.
31	88:1869	93–572	102(e)	236, 238	94–45	101(b), (g)	Revision.
31	88:1869	93–572	102(e)(2)	65	94–12	701(a)(1)	Amendment.
31	88:1869	93–572	102(e)(3)	66	94–12	701(a)(2)	Addition.
31	88:1869	93–572	102(e)(3)	238	94–45	101(f)	Amendment.
31	88:1869	93–572	102(e)(4)	239	94–45	106	Addition.
31	88:1869	93–572	102(f)(2)	238	94–45	102(a)	Amendment.
31	88:1869	93–572	102(g)	238	94–45	103(a)	Addition.
31	88:1869	93–572	105(4)–(8)	237, 238	94–45	101(d)(1)–(3), (g)	Addition.
31	88:1878	93–577	17	1075	94–187	312	Addition.
31	88:1878	93–577	18	1075	94–187	313	Addition.
1975							
Jan. 2	88:1910	93–580	3(e)	415	94–80	1	Addition.
2	88:1910	93–580	3(f)	415	94–80	1	Addition.
2	88:1910	93–580	4(c)	415	94–80	2	Revision.
2	88:1910	93–580	6(b)	415	94–80	3	Revision.
2	88:1910	93–580	6(c)	416	94–80	4	Addition.
2	88:1910	93–580	7	182	94–32	----------	Applicability.
3	88:1978	93–618	152(b)–(f)	437	94–88	208(d)(3), 210	Applicability.
3	88:2089	93–620	11	172	94–31	----------	Sec. 11 renumbered as 12; new 11 added.
3	88:2089	93–620	12	172	94–31	----------	Former sec. 11 renumbered as 12.
3	88:2164	93–633	115	264	94–56	4	Revision.
4	88:2337	93–647	3(f)	609	94–120	3	Exception.
4	88:2337	93–647	7(a)(3)	609	94–120	3	Addition.
4	88:2337	93–647	101(f)	245	94–46	2	Amendment.
Feb. 19	89:5	94–3	1	246	94–47	2	Repeal. (See also 1917, P.L. 43, sec. 21.)
Mar. 29	89:26	94–12	201(a)	972	94–164	2(e)	Applicability.
29	89:26	94–12	201(b)	972	94–164	2(e)	Applicability.
29	89:26	94–12	201(c)	972	94–164	2(e)	Applicability.
29	89:26	94–12	202(a)	972	94–164	2(e)	Applicability.
29	89:26	94–12	203	972	94–164	2(e)	Applicability.
29	89:26	94–12	208(b)	244	94–45	401(b)	Amendment.
29	89:26	94–12	209(a)	972	94–164	2(e), (g)	Amendment.
29	89:26	94–12	209(b)	972	94–164	2(f), (g)	Amendment.
29	89:26	94–12	209(c)	975	94–164	5(a)(2)	Amendment.
June 27	89:225	94–41	101(a)	227	94–41	101(e)	Nonapplicability.
27	89:225	94–41	101(b)	227	94–41	101(e)	Nonapplicability.
27	89:225	94–41	101(b)	229	94–41	101(e)	Exception.
27	89:225	94–41	102	227	94–41	101(e)	Nonapplicability.
27	89:225	94–41	102(c)	847	94–159	----------	Amendment.
27	89:225	94–41	103	227	94–41	101(e)	Nonapplicability.
27	89:225	94–41	105	227	94–41	101(e)	Nonapplicability.
30	89:246	94–47	1	693	94–132	2	Repeal. (See also 1917, P.L. 43, sec. 21.)
July 19	89:265	94–57	1(b)	831	94–157	109(a)	Amendment.
19	89:265	94–57	1(c)	831	94–157	109(b)	Amendment.
25	89:269	94–59	105	832	94–157	111(a), (c)	Amendment.
25	89:269	94–59	1110	833	94–157	114	Exception.

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Aug. 9	89:419	94–82	----------	1108	94–195	1(a)	Exception.
Aug. 9	89:441	94–91	----------	446	94–91	----------	Exception.
9	89:441	94–91	501	840	94–157	----------	Exception.
Oct. 21	89:641	94–122	610	827	94–157	----------	Amendment.
Nov. 29	89:773	94–142	5(a)	794	94–142	5(c)	Amendment; effective date. (See also 1970, P.L. 91–230, sec. 611(a)(5)(A)(ii), (iii).)
Dec. 16	89:810	94–152	9	822	94–153	----------	Amendment. (See also 1950, P.L. 774, sec. 717(a).)
22	89:871	94–163	103	894	94–163	251(d)	Exception.

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U.S. GOVERNMENT PRINTING OFFICE: 1977 55-161